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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19-CR-00576(BMC)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	January 30, 2023
GENARO GARCIA LUNA,	:	9:30 a.m.
	:	
Defendant.	:	

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TRANSCRIPT OF CRIMINAL CAUSE ON TRIAL
BEFORE THE HONORABLE BRIAN M. COGAN
UNITED STATES SENIOR DISTRICT JUDGE, and a jury

A P P E A R A N C E S:

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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 (In open court - jury not present.)

2 (Defendant present.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: Good morning.

5 Have a seat, please.

6 With regard to this weekend's motions, here is where
7 I am: The Government may turn over -- should turn over. Must
8 turn over -- the redacted document.

9 I will tell the defense do not get all excited there
10 is not much in it. The redactions have absolutely nothing;
11 the non-redactions do not have much.

12 With regard to the testimony of these witnesses, I
13 have to say to the Government I am dubitante about the
14 admissibility of declarations. They are not even
15 declarations. They are a femoral kind of sense that the
16 witness has of the defendant's involvement based upon things
17 he has heard from unidentified officers who he thinks were
18 part of conspiracy.

19 I mean, that is not hearsay. That is rumor. That
20 is a level below hearsay.

21 For him to not even identify a specific declarant so
22 that we can see the basis for the declarant's knowledge, I am
23 not sure I'm going to allow that. Okay? I am just letting
24 you know now hearsay is not rumor. Coconspirator statements
25 are not rumor. They are statements. While the witness need

1 not pin down a particular date on which he was told by a
2 person, I think he has to be able to show how that person was
3 part of the conspiracy and the person was saying something
4 specific that was based on the declarant's own knowledge.

5 I have lots of authority on that. Be careful in
6 doing that, please.

7 MS. KOMATIREDDY: Your Honor, if I make a suggestion
8 regarding your feedback.

9 THE COURT: Sure.

10 MS. KOMATIREDDY: Sorry about that.

11 If I may make a suggestion based on Your Honor's
12 feedback, I believe we can lay that foundation. I think what
13 we could do is have the witness testify and then ask for a
14 sidebar or attempt to time that testimony so that it's before
15 a break so that Your Honor can rule on it.

16 THE COURT: I am not stopping you from trying unless
17 I said something that you can tell you are not going to make
18 it. If you think you got a shot, by all means take it.

19 MS. KOMATIREDDY: Thank you, Judge.

20 THE COURT: How are we doing? Everyone is ready?
21 Let's get the jury in.

22 MR. MIEDEL: Judge, one more issue in the motion,
23 the Government likes to talk about the second witness. I
24 don't know if that second witness is going to be testifying
25 this week or not. Before that happenings, we do want to be

1 heard on that particular request about the prior consistent
2 statements.

3 THE COURT: The prior consistent statement, you
4 think that is a problem?

5 MR. MIEDEL: Yeah, I think that's a problem.

6 THE COURT: Let's do the first witness first and
7 we'll talk about that before the second witness.

8 (Jury enters at 9:38 a.m.)

9 THE COURT: Everyone be seated.

10 Good morning, ladies and gentlemen of the jury.

11 THE JURY: Good morning.

12 THE COURT: I hope you had a good weekend, a nice,
13 long weekend.

14 The Government's next witness, please.

15 MS. DIOUF: The Government calls Oscar Nava
16 Valencia.

17 THE COURTROOM DEPUTY: Please raise your right hand.
18 Do you solemnly swear the testimony you give to this Court in
19 this case will be the truth, the whole truth, and nothing but
20 the truth so help you God.

21 THE WITNESS: Yes, I swear.

22 THE COURTROOM DEPUTY: Please state and spell your
23 name for the record.

24 THE WITNESS: Yes. My name is Oscar Nava Valencia.

25 THE COURTROOM DEPUTY: Please spell it.

Valencia - direct - Diouf

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1 THE WITNESS: O-S-C-A-R. N-A-V-A. V-A-L-E-N-C-I-A.

2 THE COURTROOM DEPUTY: Thank you, please have a
3 seat.

4 MS. DIOUF: Is it possible to turn this microphone
5 on. Can you hear you?

6 **OSCAR NAVA VALENCIA,**

7 called as a witness, having been first duly
8 sworn/affirmed, was examined and testified as follows:

9 MS. DIOUF: May I inquire?

10 THE COURT: Please.

11 DIRECT EXAMINATION

12 BY MS. DIOUF:

13 Q Good morning, sir.

14 A Good morning.

15 Q I'm back here.

16 Do you have any nicknames?

17 A Yes. I'm called Lobo or Lobo Valencia.

18 Q How old are you?

19 A 51.

20 Q Where were you born?

21 A In Mexico, in the State of Michoacan in a small town
22 called Aguililla.

23 Q Where do you live currently?

24 A Currently, I'm incarcerated in a federal prison serving
25 time.

Valencia - direct - Diouf

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1 Q How long have you been in prison for, sir?

2 A More than 13 years.

3 Q And what is your projected release date?

4 A 2025. March or April of 2025.

5 Q What charges are you in jail for?

6 A For distribution, for intent, and conspiracy.

7 Q Distribution of what?

8 A Of cocaine.

9 Q I would like you what's in evidence as Government Exhibit
10 1.

11 THE COURT: This is on the computer connection,
12 right?

13 MS. KOMATIREDDY: Yes, it should appear on his
14 screen.

15 Q Can you see the photo, sir?

16 A No.

17 Q On your screen as well?

18 THE COURT: This is admitted, right?

19 MS. DIOUF: Yes, it is, Your Honor.

20 A Yes.

21 Q Do you recognize the person in this photo?

22 A Yes. Yes, I recognize him.

23 Q Who is it?

24 A Genaro Garcia Luna.

25 Q Who is Genaro Garcia Luna?

Valencia - direct - Diouf

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1 A He was the director of AFI; and then he became the
2 secretary of the Secretaria de Seguridad Publica.

3 Q Have you met him in person?

4 A Yes.

5 Q How many times?

6 A Twice.

7 Q Briefly, why did you meet the defendant Genaro Garcia
8 Luna?

9 A The first time was because of a problem in Manzanillo, in
10 the Port of Manzanillo.

11 I met him through Arturo Beltran. That was the
12 first time, and the second time was to come to an agreement
13 with him.

14 Q Did Garcia Luna assist you?

15 A Yes.

16 Q How did he assist you?

17 A Passing along information and trying to help, you know,
18 recover the -- the problem we had in Manzanillo.

19 Q What did you give the defendant Genaro Garcia Luna in
20 exchange for his assistance?

21 A I'm sorry.

22 Q What did you give him in exchange for his assistance?

23 A I gave him money and cash.

24 Q In total, how much money did you give Genaro Garcia Luna?

25 A It was more than \$10 million.

Valencia - direct - Diouf

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1 Q What currency did you pay him in?

2 A In U.S. dollars.

3 Q Where did you get this money?

4 A We got it through trafficking of cocaine and other drugs
5 that we would traffic to the United States and to other
6 countries.

7 MS. DIOUF: Ms. Donovan, you can take the exhibit
8 down, please.

9 Q Sir, where did you grow up?

10 A I was born in Michoacán, and I grew up in Guadalajara,
11 Jalisco.

12 Q How far did you get in school?

13 A Fourth semester in high school.

14 Q How old were you when you started trafficking drugs?

15 A About 16 years old.

16 Q What type of drugs were you trafficking at that age?

17 A First, we started with marijuana, with growing it; and
18 then moving marijuana.

19 Q Did you start trafficking cocaine?

20 A Yes. After marijuana, then we started trafficking in
21 cocaine.

22 Q Approximately, when did you start trafficking cocaine?

23 A In the year 1996.

24 Q Are you familiar with the Milenio cartel?

25 A Yes. Yes, I do.

Valencia - direct - Diouf

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1 Q How are you familiar with it?

2 THE INTERPRETER: Can I clarify, Your Honor, if I
3 may?

4 THE COURT: Sure.

5 A Yes, because I was a part of the Milenio cartel, in 1999
6 when it came out that we were -- we started to become
7 recognize from the Valencia family that we were the cartel.

8 Q What year were you arrested?

9 A I was arrested in 2009.

10 Q At the time of your arrest in 2009, what was your
11 position in the Milenio cartel?

12 A I was -- I become the leader of the Milenio cartel.

13 Q When did you become the leader of the Milenio cartel?

14 A After what happened with Armando Valencia in 2004, I had
15 to step up and take that position.

16 Q What happened with Armando Valencia?

17 A He was arrested, and part of his collaborators were
18 arrested, too.

19 Q Where were you based when you led the Milenio cartel?

20 A Where was I what? I'm sorry.

21 Q Where did you spend most of your time?

22 A I would spent time in Jalisco and Michoacán and Mexico,
23 and we would go out to other countries.

24 Q Apart from you, who were some other leaders of the
25 Milenio cartel?

Valencia - direct - Diouf

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1 A Well, it was my brother, Cuinis, Mencho, Eric Valencia,
2 Elogio. There were several of us, and we had different
3 positions.

4 MS. DIOUF: I'd like to show the witness what has
5 been marked for identification as Government Exhibit 22 for
6 the witness only, please.

7 Q Let me ask the question.

8 Do you recognize the person in this photo?

9 A Yes. Yes, I recognize him.

10 Q And who is he?

11 A My buddy Pilo.

12 Q Do you know his full name?

13 A Yes. Augustine Reyes.

14 MS. DIOUF: At this time the Government would move
15 to admit Government Exhibit 22 into evidence and publish.

16 MR. MIEDEL: No objection.

17 THE COURT: Received.

18 (Government's Exhibit 22 received in evidence.)

19 Q Describe your relationship with Pilo.

20 A Yeah. We were -- it was -- well, we started together.

21 He was transporting me, and he became my good buddy.
22 And he was somebody who helped me out a lot with the movement
23 of drugs and receiving money and moving around to different
24 areas.

25 Q When was the last time you saw Pilo in person?

Valencia - direct - Diouf

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1 A Before I was arrested in 2009.

2 Q And when was the last time you communicated with Pilo?

3 A It's been more than six years.

4 MS. DIOUF: Ms. Donovan, you can take the exhibit
5 down, please.

6 Q What territory did the Milenio cartel cover in Mexico?

7 A We were in the State of Jalisco, Colima, and part of the
8 State of Michoacán.

9 Q Did you operate in any ports?

10 THE INTERPRETER: Interpreter request repetition.

11 Q Did you operate out of any ports?

12 THE INTERPRETER: Needs to clarify, Your Honor, if I
13 may.

14 THE COURT: Sure.

15 A Oh, yes. We were in ports in Manzanillo, in Lazaro
16 Cardenas, in Veracruz, and Progreso Port in Yucatàn.

17 Q I would like to show you what's in evidence in Government
18 Exhibit 325.

19 Do you see that? Do you see it on your screen, sir?

20 A Yes. It's a map of Mexico, yes.

21 Q If you could circle on the screen the areas of Mexico
22 that the Milenio cartel controlled like you just testified to.

23 A Yes. Do I put it here? This is the State of Colima.
24 Michoacán.

25 It's Colima, Jalisco, and Michoacán. Do I circle it

1 here?

2 Q Yes, you can circle it on your screen.

3 A That's it.

4 Q Did you work in Mexico City as well?

5 A Yes, we also worked in Mexico City.

6 Q What did you do in Mexico City?

7 A We would work -- there we would work in the airports, and
8 we would have meetings there with our partners and our
9 collaborators, the Colombians. We would have meetings in
10 Mexico.

11 Q Where did you spend most of your time?

12 A The majority of my time I would spend right there in
13 Guadalajara, Jalisco.

14 Q Where did you get the cocaine that you trafficked?

15 A We would get it mainly from Colombia, Venezuela, and
16 Ecuador, and sometimes Bolivia.

17 Q What did your cartel do with the cocaine it sourced from
18 South America?

19 A We would transport it to Central America and to Mexico
20 City. Sometimes we would receive it in Central America and
21 sometimes we would get it directly in Mexico.

22 Q Did you traffic any of that cocaine into the United
23 States?

24 A Yes. After we would receive it, we would transport the
25 majority of it to the United States and sometimes to Europe,

Valencia - direct - Diouf

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1 too.

2 Q What happened to your cocaine once it got to the United
3 States?

4 A Well, it was distributed and sold here in the country of
5 the United States.

6 Q Where specifically in the United States was your cocaine
7 sold?

8 A The State of California, Texas, Chicago, New York,
9 Florida.

10 Q In total, approximately how much cocaine did you move
11 into the United States during your drug trafficking career?

12 A More than 100,000 kilos of cocaine.

13 Q How did you ensure the security of the drugs that you
14 traveled in Mexico?

15 A Well, through bribes that we would do in my country to be
16 able to traffic freely and move it across my country to the
17 United States.

18 Q Who did you bribe?

19 A We would bribe the federal governments, the federal
20 highway patrol, and municipal and states and, you know,
21 politicians here and there as well.

22 Q Between 2000 and 2009, what were the main drug cartels in
23 Mexico?

24 A It was mainly the Sinaloa Cartel and the Tijuana. After
25 that, the Gulf Cartel started, but those are the three main

1 ones in 2000.

2 Q What is the Sinaloa cartel?

3 A Well, it's a group of drug traffickers that mutually help
4 each other out. They share their routes, their agreements.

5 They mainly control the majority of drug trafficking of
6 cocaine from Colombia and Central America.

7 Q Did the Sinaloa cartel have any other names?

8 A Yes. We also called it the Federation.

9 Q Were you part of the Federation?

10 A Yes, I was part of the Federation.

11 Q Did you have any other rivalries with other cartels?

12 A Yes, with the Familia Michoacana cartel and with the
13 Zetas as well.

14 Q Can you describe your rivalry with the Familia
15 Michoacana?

16 A Well, it started out with a problem with Carlos Rosales.
17 And then the problem grew and more people started getting
18 aligned with them.

19 And after that, Carlos Rosales and the Familia
20 Michoacana joined Osiel Cárdenas and the Gulf cartel and
21 started helping them.

22 Q Who is Osiel Cárdenas?

23 A He was the leader of the Gulf cartel. He founded the
24 Gulf cartel and the Zetas.

25 Q Was the rivalry with the Familia Michoacana violent?

Valencia - direct - Diouf

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1 A Yes. Yes, it turned violent.

2 Q Did you ever order acts of violence?

3 A Yes. I did have to make some decisions, yes.

4 Q Over the course of your career, approximately how many
5 people have died as a result of your orders?

6 A More than 100 people.

7 Q Who were the leaders of the Sinaloa cartel when you were
8 working in Mexico?

9 A It was Nacho Coronel, Azul, Rey Zambada, Mayo Zambada,
10 Chapo, Arturo. And prior it had also been Vicente Carrillo,
11 but in 2004 he split a part and went to Juarez.

12 Q Who is Arturo?

13 A Arturo was one of the main collaborators in the Sinaloa
14 cartel.

15 Q What was his full name?

16 A Arturo Beltran Leyva.

17 Q Have you met Arturo Beltran?

18 A Yes, I did meet him and I had a relationship with him.

19 Q What year did you meet him in?

20 A In '96, he was one of the ones who helped me when I was
21 starting out in cocaine trafficking. He was one of the first
22 people who helped me.

23 Q I'd like to show you what's in evidence as Government
24 Exhibit 6.

25 Do you recognize the person in this photo?

Valencia - direct - Diouf

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1 A Yes, I do recognize him. He's Arturo Beltran Leyva.

2 MS. DIOUF: And Mr. La Salle, is it possible to
3 clear the screen? Thank you.

4 THE COURTROOM DEPUTY: It's on your screen, you can
5 take it off.

6 Q Describe your relationship with Arturo Beltran for the
7 jury.

8 A We started working in '96. We started visiting. We
9 would Querétaro, Guanajuato and Monterrey, which was the mains
10 areas he was in.

11 Q How much time would you spend with Arturo?

12 A Well, I saw him -- I saw him very of often.

13 There was a period of time when we stopped seeing
14 each other and we started seeing each other again in 2004 up
15 to the date when I had a problem with him.

16 Q And briefly, what problem did you have with Arturo?

17 A In the end, I was kidnapped by Arturo and his workers.

18 Q Who else worked closely with Arturo?

19 A There was Grande -- there was Barbie, Indio, M P, Morado,
20 Conejo. There were people in -- there was Caminante in
21 Guadalajara, Pepino in Nayarit, and some people in Monterey.
22 In Monterey.

23 Q I would like show you what's in evidence as Government
24 Exhibit 6. Sorry, 7.

25 Do you recognize the person in this photo?

Valencia - direct - Diouf

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1 A Yes, he's Arturo brother, Hector Beltran.

2 Q Describe your relationship with Hector Beltran.

3 A Well, I also dealt with Hector, and I had a relationship
4 with Hector.

5 Q What sort of relationship?

6 A Well, there was a friendship and there were also some
7 deals that we tried do together.

8 Q When was the last time you saw Hector Beltran in person?

9 A It was in 2008.

10 Q What about the last time you spoke to him?

11 A Well, it was at that meeting in 2008. That's last time
12 we spoke, and I never saw him again.

13 Q Showing you now what's in evidence Government Exhibit 26.

14 Do you recognize the person in this photo?

15 A Yes, I do as well.

16 He's Alfredo Beltran Leyva. Arturo's younger
17 brother.

18 Q Did you have a relationship with Alfredo Beltran?

19 A Yes, I did see him at some meetings that I had with
20 Arturo. He would -- he would go there.

21 Q When was the last time you saw Alfredo Beltran?

22 A Well, it was sometime around 2005, 2006. That was the
23 last time I saw him.

24 Q And when was the last time you spoke to him?

25 A I heard from him like around 2007.

Valencia - direct - Diouf

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1 Q Showing you what's in evidence as Government Exhibit
2 43-A, do you recognize the person in this photo?

3 A Yes, I do recognize him. He is Indio.

4 Q Did you have a relationship with Indio?

5 A Yes, I had a strong relationship with Indio as well.

6 Q When was of the last time you saw Indio in person?

7 A The last time I saw him was when I was kidnapped in 2008.
8 I saw Indio there, and we said goodbye to each other.

9 Q Showing you what's in evidence as Government Exhibit 17,
10 do you recognize the person in this photo?

11 A Yes, that's Grande.

12 Q Describe your relationship with Grande.

13 A We had a relationship through Arturo and Barbie, and we
14 looked at some business deals together through the airport in
15 Mexico.

16 Q When was the last time you saw Grande in person?

17 A Well, in 2008.

18 Q And when was the last time you communicated with Grande?

19 A After the meeting we had in 2008, I no longer was in
20 contact with him. That was the last time.

21 Q Showing you what's in evidence as Government Exhibit 41,
22 do you recognize the person in this photo?

23 A Yes, that's Barbie.

24 Q Describe your relationship with Barbie.

25 A We had a friendship, and we also had a business

Valencia - direct - Diouf

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1 relationship, and we hung out together with -- I hung out
2 together with him and with Indio several times.

3 Q When was the last time you saw Barbie in person?

4 A I also saw him for last time in 2008 when I was kidnaped
5 by them, by Indio and Barbie. We said goodbye then.

6 Q By the way, did you go to Barbie's wedding?

7 A No.

8 Q Why not?

9 A Well, first of all, I didn't feel like going. But in the
10 end I realized that even Barbie couldn't go to his wedding.

11 Q Why couldn't Barbie go?

12 A Well, at the very end they were told that an operation
13 was coming down on them --

14 MR. MIEDEL: Objection, Your Honor.

15 THE COURT: Sustained. Sustained.

16 Q When you didn't meet Arturo in person, how did you
17 communicate with him?

18 A We would communicate through Barbie, Indio, or Rado.

19 Q Did you speak on the phone?

20 A Yes, we did speak on the phone through Nextels and
21 iPhone.

22 Q What other members of the Sinaloa cartel did you spend
23 time with?

24 A With Azul. With Nacho Coronel. With Rey, I spent quite
25 a bit of time with him. And with Chapo and Mayo as well, we

Valencia - direct - Diouf

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1 had meetings with them, too.

2 Q Showing you what's in evidence as Government Exhibit 13,
3 do you recognize the person in this case photo?

4 A Yes, it's Rey Zambada; Mayo's Zambada's brother.

5 Q Did you have a relationship with Rey Zambada?

6 A Yes, we had a good relationship. We were friends and
7 also had a business relationship.

8 Q When was the last time you saw Rey Zambada in person?

9 A It was -- it was also in 2008 when we saw each other for
10 last time. I'm sorry, 2009.

11 No, it was in 2008. 2008.

12 Q When was the last time you communicated with Rey Zambada?

13 A Before Rey Zambada was arrested, I was in communication
14 with him.

15 Q Showing you what's in evidence as Government Exhibit 4,
16 do you recognize the person in this photo?

17 A Yes, it's Chapo Guzman.

18 Q Did you have a relationship with Chapo Guzman?

19 A Yes, I did have a relationship with him.

20 Q Can you describe that relationship, please.

21 A It was a business relationship, and we supported each
22 other a lot and I spoke to him a lot.

23 Q Did you spend time with Chapo Guzman?

24 A Yes, we spent time together.

25 Q Where would you spend time with Chapo Guzman?

Valencia - direct - Diouf

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1 A With him, that was mainly in Sinaloa, in the mountains.

2 Q Showing you what's in evidence as Government Exhibit 10,
3 do you recognize the person in this photo?

4 A Yes, Conejo.

5 Q Did you have a relationship with Conejo?

6 A I sure did. We had a friendship, and we also had a
7 business relationship.

8 Q When was the last time you saw or spoke to Conejo?

9 A That was also around 2008. He spend a lot of time with
10 Arturo's people and with Barbie.

11 Q Showing you now what's in evidence as Government Exhibit
12 5, do you recognize the person in this photo?

13 A Yes, that's Mayo Zambada, Rey Zambada's brother.

14 Q Did you have a relationship with Mayo Zambada?

15 A Yes, we had a relationship. We had a relationship with
16 him and also a business relationship.

17 Q When was the last time you saw or spoke Mayo Zambada?

18 A It was also in 2008 when we had a meeting with him up in
19 the mountains with him and Chapo.

20 Q Showing you what's in evidence as Government Exhibit 12,
21 do you recognize the person in this photo?

22 A Yes, that's Nacho Coronel.

23 Q Did you have a relationship with Nacho Coronel?

24 A Yes. I had good relationship with Nacho. We had a
25 relationship, we spent a lot of time with him in Guadalajara.

Valencia - direct - Diouf

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1 Q When was the last time you saw or spoke to Nacho Coronel?

2 A Well, that was in 2009 before I was arrested.

3 MS. DIOUF: You can take the exhibit down.

4 Q Besides drug traffickers, what other sorts of people did
5 Arturo hangout with?

6 MR. MIEDEL: Objection.

7 THE COURT: Ask him how he knows.

8 Q How do you know who Arturo hung out with?

9 A Oh, because of the meetings that we had with him. We
10 would get together with department of drug traffickers that we
11 would see and we would get together. We would talk. We had
12 meetings.

13 Also involved were the Government officials who
14 would help him and protect him and also, you know, we spent a
15 lot of time with, you know, artists and bands and things that
16 he liked. I know that because I spent a lot of time. There
17 were a lot of meetings with him. There was a lot.

18 Q Did you work with the Sinaloa cartel to traffic drugs?

19 A Yes, that's right.

20 Q Could you describe how you worked with the Sinaloa cartel
21 to do that?

22 A Yeah. Well, we had, you know -- before, you know, we
23 would work with the shipments, we'd also work with them in --
24 at the airports and also with receiving stuff in -- on the
25 ocean, you know, with boats, with ships, with submarines, they

Valencia - direct - Diouf

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1 would receive stuff in the Pacific over there as well.

2 Q Which airports did you traffic cocaine in?

3 A Mainly, they were traveled through the Mexico airport,
4 Mexico City airport. And we would also have the flight plans
5 at other airports: Toluca, Acapulco, Querétaro. Also the
6 airports at Guadalajara, Vallarta, and Cancun.

7 Q Did the Sinaloa cartel help you move cocaine through the
8 Mexico City airport?

9 A Yes. Yes, that too, through Rey Zambada and also through
10 Arturo.

11 Q Can you describe how you moved cocaine through the Mexico
12 City airport?

13 A It would be sent through suitcases or dried goods sent
14 from Colombia to Venezuela. They would be sent there to the
15 Mexico City airport, and then they would deliver them to us.

16 Q Who's they?

17 A They who?

18 Q Who would deliver them to you?

19 A The workers who were there. The people who worked for
20 the government there at the airport and the part-time workers
21 that were there.

22 Q How did you ensure that your cocaine wasn't seized by the
23 authorities?

24 A Through the relationships and payments, that's how we --
25 that's how we would try to ensure that shipments or the money

Valencia - direct - Diouf

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1 that we would bring down wouldn't be seized.

2 Q Who managed those relationships at the Mexico City
3 airport?

4 A Mainly, Rey Zambada and Arturo. They had Grande there
5 running the airport and other people as well.

6 Q With respect to the money that you made trafficking
7 drugs, what did you do with it?

8 A Parts of it was used to pay for our arrangements. Part
9 of it we would reinvest. And we would invest in
10 infrastructure. And the rest, the profits we would all look
11 to find ways to invest it personally.

12 Q What do you mean by arrangements?

13 A Arrangements, that was payments to the government so it
14 would provide security and protection.

15 Q And how did you invest your money personally?

16 A Well, through real estates, through car companies,
17 through consultants, ranches, buildings. We would try to
18 launder the money through companies and people. That's what
19 we would try to do.

20 Q Did you buy jewelry with your money?

21 A Yes, I did that too; we would buy jewelry.

22 Q What kind?

23 A Watches and jewelry for us and also gifts that we would
24 give at times.

25 Q Did you buy wife watches?

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1 A Yes, I would buy her those too, yes.

2 Q What kind?

3 A Cartier, Rolex, named brand watches.

4 Q The property that you bought, was it held in your name?

5 A No.

6 Q Did you have property in other people's names?

7 A Yes, I had to do that, yes.

8 Q Why?

9 A Well, you know, we didn't have a way of really sustaining
10 that money so we looked for people to help support us with
11 that, to help with that capital.

12 Q You testified that you had conflict with Zetas; is that
13 right?

14 A Yes. Yes, that's right.

15 Q Who are the Zetas?

16 A It was the armed group that belonged to Osiel Cardenas.
17 It started off as a security group, and then it became more
18 powerful and more violent. And at the end, they are the ones
19 who were fighting for the Gulf cartel.

20 Q How did their violence compare to violence in other
21 cartels?

22 A No. They, I mean, you know, they started using harsher
23 methods, methods that were more terrible. And they started to
24 attack civil society.

25 They started to extort, to kidnap, using other

1 methods.

2 Q And what do you mean by civil society?

3 A Population, people. It wasn't just against other rivals,
4 cartels. But just people. Society.

5 Q Can you describe your conflict with Zetas?

6 A Well, it started with Osiel Cardenas.

7 Osiel Cardenas wanted to take over Zeta Tamaulipas,
8 and he started sending people to Miguel Alemán, Reynosa,
9 Laredo.

10 And then they started to touch on the Sinaloa
11 cartel's interest because there they had relationships, they
12 had people who would help them. They were there.

13 And then later on the Sinaloa cartel started to
14 send -- started to send people over there to fight. And then
15 the war started over there in Laredo and Miguel Aleman and
16 then the Sinaloa cartel started asking for help from the
17 Milenio cartel, and at the time Manuel Resa (phonetic) was
18 there.

19 Q Was there ever a truce between the Sinaloa cartel and the
20 Zetas?

21 A What? I'm sorry?

22 Q A truce.

23 A In 2007, that's when there was a truce, it started, yeah,
24 yeah.

25 Q How did that truce come about?

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1 A It was through -- it was through some people from the
2 Gulf cartel, we had a first meeting, and we saw that they
3 wanted to fix that situation as well.

4 And we started having meetings. We started having
5 talks there in Tamaulipas and Cuernavaca with rival members.

6 Q Who was at the meeting in Cuernavaca?

7 A Well, meetings no. At meetings, there was Mayo, Azul,
8 Rey, Arturo, Nacho. We were all there. First we had these
9 meetings to come together to begin --

10 THE INTERPRETER: Interpreter correction.

11 A To begin starting negotiations.

12 Q How long did the peace with the Zetas last?

13 A Well, after that, it didn't even last a year.

14 (Continued on next page.)

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1 DIRECT EXAMINATION

2 BY MS. DIOUF: (Continuing.)

3 Q When did you first hear about the defendant, Genaro
4 Garcia Luna?

5 A In 2001.

6 Q And in what context did you hear about him?

7 A Well, when people were starting to be sent to Laredo over
8 into that area, a was commander sent over there to help them,
9 the war they had over in Laredo.

10 Q And what would you hear?

11 A Well, I heard about the cooperation that the people from
12 AFI --

13 MR. MIEDEL: Objection.

14 THE COURT: Sustained.

15 Q What was Garcia Luna's position in 2006?

16 A Secretary of public security.

17 THE COURT: Can I ask the reporters, I'm getting
18 symbols, not words.

19 Q What did you understand Garcia Luna's role to be of
20 secretary of public security?

21 A He was a high level officer that was in charge of the
22 federal police and other agencies.

23 Q Are you aware of any government officials that worked
24 closely with Garcia Luna?

25 A Yes.

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1 Q Who?

2 A Luis Cardenas Palomino, Ramon Pequeno, Edgar Millan,
3 Edgar Gallardo, Igor Labastida, Facundo Rosas Rosas, and,
4 like, Gerardo Garay.

5 Q Did any leaders in the Sinaloa Cartel have a relationship
6 with Garcia Luna?

7 MR. MIEDEL: Objection.

8 THE COURT: I know. Little more foundation, please.

9 Q Did Arturo Beltran ever talk to you about his
10 relationships with Government officials?

11 A Yes.

12 (Continued on next page.)

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1 (Continuing)

2 Q Who did he mention specifically?

3 A Well, he specifically mentioned an Garcia Luna, Luis
4 Cardenas Palomino, Ramon Pequeno.

5 Q About Chapo Guzman ever tell you about his relationships
6 with Government officials?

7 A Yes, he did talk about that.

8 Q Who did he mention specifically?

9 A He also mentioned Genaro Garcia Luna.

10 Q Did Mayo Zambada ever speak to you about his relationship
11 with Government officials?

12 A Yes, he did so too.

13 Q Who specifically did he mention?

14 A Genaro Garcia Luna.

15 Q How did Arturo Beltran Leyva refer to Garcia Luna?

16 A Decenario, Campa, señor, sir.

17 Q Did he also refer to him by name?

18 A Yes. Genaro.

19 Q What, if any, sort of assistance did Arturo Beltran say
20 Garcia Luna give him?

21 A Well, yes. We had greater security when working in
22 airports and we had the opportunity to get information in
23 order to attack our rival groups.

24 Q What did Arturo Beltran give Garcia Luna in exchange for
25 his assistance?

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1 A Money and cash, dollars.

2 Q Tell the jury about the first time you paid Garcia Luna.

3 A The first time was in 2006, when we were told we had to
4 chip in and make a pool of money, collection among all of us;
5 that they said we were going to have larger arrangements and a
6 greater amount of security for all of us.

7 Q Who told you you need to chip in?

8 A Arturo Beltran Leyva, Barbie, and Indio were talking
9 about those topics there.

10 Q And what was the purpose of this proposed payment?

11 A It was to be able to have more control and more security.

12 Q Did you contribute to the payment?

13 A Yes, that's right.

14 Q How much?

15 A I had to contribute \$2.5 million.

16 Q Who else contributed to the payment?

17 A Nacho Coronel also contributed, Azul did.

18 Q How do you know the money was for Genaro Garcia Luna?

19 A Because that is what Arturo would say and Barbie, and
20 that's what everyone was saying, that with this, we would be
21 able to secure Genaro Garcia Luna and other high-ranking
22 officers, officials.

23 Q Were you paying other people in the Mexican Government at
24 this time?

25 A Yes.

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1 Q So why did you need to pay Garcia Luna?

2 A To have more control in other areas that we did not
3 control. And, so, that we would get some help because at that
4 time we were fighting the Familia Michoacána.

5 Q What did you get as a result of this payment?

6 A Well, we were able to send groups to Michoacán and other
7 states to fight other rivalries.

8 (Continued on next page.)

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Proceedings

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1 (Continuing.)

2 MS. DIOUF: Your Honor, this might be a good time
3 for a break if you're ready, or I can keep going.

4 THE COURT: We'll take a break.

5 Come back at 11:05, ladies and gentlemen. Please
6 remember, don't discuss the case amongst yourselves or with
7 anyone else. See you in a few minutes.

8 (Jury exits.)

9 THE COURT: Let's come back a few minutes early and
10 we'll hear Mr. Miedel on the next witness.

11 (A recess in the proceedings was taken.)

12 THE COURTROOM DEPUTY: All rise.

13 THE COURT: Everyone have a seat, please.

14 I thought we needed to address what I think is the
15 only remaining open issue, which is the prior consistent
16 statement, like soon, but now I am hearing the defense wants
17 to put in a written response to that and we don't have to
18 address it soon?

19 MR. MIEDEL: No, Your Honor. We have just learned
20 that that witness isn't going to be testifying this week.

21 I just wanted -- we just wanted to be heard on that
22 before the witness testifies. I don't think it requires a
23 written response. It's not a complicated issue.

24 THE COURT: Well, let's do it another time. Let's
25 get the jury in.

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1 MR. MIEDEL: That's fine.

2 THE COURT: Thank you.

3 Okay, ready for the witness.

4 (Witness resumes the stand.)

5 THE COURT: Okay. Let's have the jury, please.

6 (Jury enters.)

7 THE COURT: All right. Everyone be seated, please.

8 Please continue, Ms. Diouf.

9 EXAMINATION CONTINUING

10 BY MS. DIOUF:

11 Q Mr. Nava Valencia, what Mexican states did the Milenio
12 Cartel control in 2007?

13 A Well, by that time we had, you know, the ports of
14 Progreso in Yucatan, and the main three states of Jalisco,
15 Colima and part of Michoacana.

16 Q How did you control these areas?

17 A Well, through the municipal, state and federal police.

18 Q And how did you get their support?

19 A Well, we would get it through what we would pay there.

20 Q How much did you have to pay?

21 A There were monthly payments and they increased up to
22 \$2 million a month that we paid for the police to provide us
23 security and protection.

24 Q Where is Colima?

25 A It's between the state of Michoacana and the state of

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1 Jalisco.

2 Q Did you import cocaine in Colima?

3 A Yes, and mainly through the Manzanillo Port.

4 Q I would like to show you again what's in evidence as
5 Government's Exhibit 325.

6 (Exhibit published.)

7 Q Can you circle Colima on this map?

8 A Yes. It's right there can I --

9 Q Thank you.

10 How often did you import cocaine into the Port of
11 Manzanillo?

12 A Every month or two months or three months. It would
13 depend on the shipments over there from Colombia.

14 Q What steps did you take to ensure the security of the
15 cocaine you shipped into Manzanillo?

16 A Well, mainly with the Government, the local Government,
17 and the federal government that was there, and -- and the
18 people who work in interdiction and the ports. Also, with the
19 Customs agencies and -- and the prosecutor there at the port.

20 Q These people you described, did you pay them?

21 A Yes.

22 Q What did you pay them for?

23 A To be able to get the shipments of cocaine out of the
24 port.

25 Q How were you able to get your cocaine shipments out of

1 the port?

2 A We would be able to unload the containers and have them
3 go without being reviewed.

4 Q Directing your attention to October 2007 --

5 A Okay.

6 Q -- did you have a cocaine load coming into the Port of
7 Manzanillo?

8 A Yes.

9 Q Where in Mexico were you at this time?

10 A At that time I was in the state of Colima and -- and I
11 had to -- well, I took advantage of the opportunity to go down
12 there too.

13 Q How much cocaine were you expecting?

14 A More than ten tons.

15 Q Where was it coming from?

16 A From Colombia.

17 Q How much were these ten tons of cocaine worth to you?

18 A The investment was more than \$30 million for just the
19 product.

20 Q How often did you meet your cocaine at the Port of
21 Manzanillo?

22 A Not regularly. That's what we had people there for, the
23 people that were in charge there at Colima and Manzanillo.

24 Q So why were you there this time?

25 A Well, at that time, I was close -- we were expecting a

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1 very large shipment and since I was close by, I took advantage
2 of the opportunity and went over there to supervise it.

3 Q How did the size of this shipment, the ten-ton shipment,
4 compare to the previous ones you've done?

5 A Yeah, it was five times greater than the ones we had done
6 before. Before the largest was 2,000, two-and-a-half
7 thousand.

8 Q What were your plans regarding future shipments of
9 cocaine into Manzanillo?

10 A Well, if -- if everything turned out all right, we were
11 going to keep getting larger shipments there in Manzanillo,
12 and more of them.

13 Q Describe for the jury what happened with the ten-ton
14 cocaine shipment from Colombia.

15 A When we were there, we realized that Caminante was also
16 there and he was expecting a different container with
17 ephedrine. They had difficulties with it. They weren't able
18 to get it, and so it was -- the shipment was seized right
19 there at the port.

20 And we were waiting there for our shipment, but
21 because of that other container, there was more of a red alert
22 at the port. And we realized as we were waiting there for
23 that ship that on the same ship there was a different
24 container coming with another ten tons for Arturo.

25 Q Let's just break that down for a minute. Who was

1 Caminante?

2 A Caminante was a worker of Arturo's and he was in charge
3 of Guadalajara, but he was also charge in receiving shipments
4 in Manzanillo for him.

5 Q Who did the ephedrine belong to?

6 A It was Arturo's. It was the Sinaloa Cartel's.

7 Q And this shipment of cocaine for Arturo that was coming
8 in, how much cocaine was that?

9 A It was also more than ten tons.

10 Q So how many tons of cocaine were on this ship that your
11 cocaine was on?

12 A There were more than 20 tons of cocaine. They were on
13 the ship when we realized it.

14 Q What was your reaction when you realized that your ten
15 tons and Arturo's ten tons were on the same ship?

16 A Well, my reaction was that I should have been told
17 beforehand because if Arturo had a shipment on the same boat
18 or the same ship, then it would have been better to wait
19 because you -- if one of the shipments was seized, then the
20 other one would have been too.

21 If we had known that Arturo had a shipment on that
22 ship, we would have waited for a couple weeks or more to wait
23 to bring the cocaine.

24 Q What happened next?

25 A We started to get worried because all eyes were on the

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1 Port of Manzanillo, and the people that we had made
2 arrangements with there in the state of Colima told us that we
3 had to wait -- we had to wait for things to cool down because
4 the Marines were already there.

5 Q What were the Marines doing there?

6 A There was a Marines presence at the port and they were
7 conducting more checks of all the containers before they went
8 out of the port.

9 Q So had your drugs arrived into the port at this point?

10 A Yes. The drugs were at the port, the ship was there, and
11 the containers were getting unloaded from the ship.

12 Q Did you take any steps to get your cocaine off the ships?

13 A Yes. We were looking around for ways to either take it
14 out by train or be able to take it out directly from the port,
15 trying to swap it to just kind of like make -- conceal it. We
16 were looking for alternatives to see what the best way might
17 be.

18 Q Did you reach out to anyone in the Sinaloa Cartel for
19 help?

20 A Yes. I contacted Rey also for to see if he had a
21 solution. He was in the capital city, maybe they could lend
22 us a hand, and I started communicating a lot with Arturo. We
23 were the most interested parties.

24 Q What steps did Arturo take to recover the drugs?

25 A Arturo was taking his own measures, like trying to swap

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1 that. But then after that he called me and he said he was --
2 had already talked to Licenciados and that we would have help.

3 Q What do you mean swap the drugs?

4 A Well, to try to put in some similar drugs or lower-
5 quality drugs.

6 Q Were you able to do that?

7 A No, we weren't able to.

8 Q You mentioned that Arturo said he contacted the
9 Licenciados.

10 Who are the Licenciados?

11 A Yes. Referring to Garcia Luna and the high Government
12 officials.

13 Q What happened after Arturo contacted the Licenciados.

14 A Arturo told me I shouldn't worry about it, they were
15 going to manage this directly from the capital city. They
16 were going to send a group over there.

17 Q And what happened next?

18 A He said we had to pay \$10 million; that we had to put in
19 \$5 million, and then, when the containers were released, we
20 would pay the other \$5 million.

21 Q Did you pay the \$5 million?

22 A Yes. I had to send the \$5 million so that I could make
23 sure that the containers would be handed over.

24 Q And what happened after you paid the \$5 million to El
25 Licenciados?

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1 A Once we made the payment, we were just waiting for the
2 containers to be recovered. And things kept heating up over
3 there, and it came to the point where they seized Arturo's
4 first container.

5 Q Who seized Arturo's first container?

6 A Well, the Marines and all the other officials that were
7 there in the port, they had seized it.

8 Q What happened after Arturo's container was seized?

9 A Well, we all had the hope that the other container could
10 still be rescued, that by having seized that one container,
11 things were going to calm down.

12 Q What happened with the second container?

13 A Well, about two days later they found the other container
14 and it was seized, as well.

15 Q How did you feel when your drugs were seized?

16 A I was worried and sad for -- about what had happened.

17 Q What ultimately happened with the 20 tons of cocaine the
18 Marines seized at Manzanillo?

19 A They were incinerated.

20 Q Did you ever meet directly with Garcia Luna about the
21 Manzanillo seizure?

22 A Yes.

23 Q Tell the jury about that.

24 A We met in Cuernavaca through our Arturo Beltran. After
25 the situation happened, we were trying to find out what had

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1 happened and why -- what had gone on. We also had
2 responsibility with the Colombians on the other side. They
3 wanted to hold us accountable as well of what had happened to
4 them.

5 So about a month after the situation happened,
6 Arturo called me so -- and asked me to come to Cuernavaca. I
7 arrived there in Cuernavaca, they came to pick us up; me, my
8 brother and my buddy René.

9 Q Where did they pick you up from?

10 A In the City of Cuernavaca at a shopping center, they came
11 to pick us up.

12 Q Who picked you up?

13 A Borrado did.

14 Q Who is Borrado?

15 A He's someone close to Arturo and he was a brother of MP,
16 who was in charge of security for Arturo.

17 Q After Borrado picked you up in the shopping center in
18 Cuernavaca, what happened next?

19 A They took us to a place over there near Cuernavaca, like
20 at the edge of Cuernavaca.

21 Q What type of place was it?

22 A It was like a country place.

23 Q Was it a house?

24 A Like a country house.

25 Q Do you know whose house it was?

1 A It was Arturo's, and Arturo's people's.

2 Q What happened after you arrived to Arturo's country home?

3 A Well, we came in and I arrived there. Arturo was there,
4 Hector, Barbie. We started to talk about the situation that
5 had happened in Manzanillo and the situation that we had with
6 the Colombians. And then Arturo told me that someone was
7 coming over to talk to us about that issue.

8 Q Where were you seated -- sorry.

9 Where in Arturo's house were you at this point?

10 A It was like a small terrace, and we were right in the
11 middle of that terrace. There were tables.

12 Q Describe the security around Arturo's house.

13 A Before arriving, we saw several security rings and there
14 was -- right outside there were people watching and guarding
15 the area, and also Arturo had people in there.

16 Q What happened next?

17 A Well, we were there, Arturo said someone was coming, so
18 the gates open up and some SUVs came in.

19 Q And what happened?

20 A I saw that a person got out of the SUVs along with two
21 other people. They showed them our way and told them to come
22 over to the table that I was at with Arturo, Barbie and
23 Hector. And then he came to say hi to Arturo, Hector and
24 Barbie, and that's when he introduced me to him and said:
25 Compadre, I'm introducing you to Mr. Genaro Garcia Luna.

1 Q How was Genaro Garcia Luna dressed at this meeting?

2 A A suit and tie.

3 Q And what happened after you were introduced to Genaro
4 Garcia Luna?

5 A Genaro Garcia Luna sat down across from me, next to
6 Hector, and they started talking about the issue that had gone
7 on in Manzanillo. That's when Genaro Garcia Luna said that
8 they had not been able to rescue or do anything about it
9 because the U.S. Government had already become involved, as
10 well as the Marines.

11 Q Did Garcia Luna say anything more about that?

12 A Yes. He also said that this had already been reported
13 from Colombia that there was knowledge that this load was
14 coming from the time it came out of Colombia.

15 Q So was Garcia Luna able to help you retrieve your drugs?

16 A No. No, he wasn't. They weren't able to intervene.

17 Q What else did you discuss at this meeting?

18 A That they were going to send us later the information
19 about the report that had come from Colombia that had pointed
20 to this cargo.

21 Q And did Garcia Luna send you this information?

22 A Yes. After the meeting that we had there, that
23 information was sent to us through Arturo.

24 Q About how long was Garcia Luna at this meeting at
25 Arturo's?

1 A About 30 minutes when he was saying these things; and
2 then afterwards, they talked some more.

3 Q Who talked some more?

4 A Arturo and Hector were bringing up other topics, so we
5 got up from the table and they remained there.

6 Q What was Garcia Luna's demeanor like during this meeting?

7 A He looked serious. After he told us that, you know, I
8 was surprised to see him when I saw him there and that he was
9 saying those things.

10 Q Why were you surprised?

11 A Well, seeing -- seeing him there personally and what had
12 been said about him, I was surprised, yes.

13 Q Did you see Genaro Garcia Luna leave the meeting?

14 A Yes, after they finished there, we said goodbyes -- we
15 all said goodbye and he got into the SUV there.

16 Q Did he arrest any of you?

17 MR. MIEDEL: Objection.

18 THE COURT: Overruled.

19 A No.

20 Q You mentioned that Garcia Luna sent a document to Arturo
21 about the seizure.

22 What did that document -- what information was in
23 that document?

24 MR. MIEDEL: Objection.

25 THE COURT: Better foundation, please.

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1 BY MS. DIOUF:

2 Q Did you see the document that Garcia Luna provided about
3 the drug seizure at Manzanillo?

4 A Yes. Yes, I did see it.

5 Q And what sort of information did it contain?

6 MR. MIEDEL: Objection.

7 THE COURT: Do you speak Spanish?

8 I will hear the answer.

9 A Yes, it can -- it had information about the report that
10 the U.S. Government had knowledge of that container, of the
11 ship, of the container and the company that sent it.

12 THE COURT: Overruled.

13 Q You mentioned earlier that you were having issues with
14 the Colombians regarding the seizure.

15 Can you tell us more about that?

16 A Yes, of course.

17 Q What was the nature of that dispute?

18 A Because they thought -- they thought that we didn't have
19 good arrangements there and that's the reason why we lost the
20 containers there in Manzanillo.

21 Q Were the Colombians holding you responsible for their
22 losses?

23 A Yes, they were making us responsible for their loss.

24 Q And how much money were those losses?

25 THE INTERPRETER: Judge, may I clarify, if I may?

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1 THE COURT: Yes.

2 A We're talking about more than 30 million, and then with
3 all of the movements, about 50 million.

4 Q How did you resolve your dispute over the loss of cocaine
5 with the Colombians?

6 A Sending them a copy of the document so that they could
7 see that the problem was theirs and not ours.

8 Q And what happened after you sent them a copy of the
9 document that Garcia Luna gave you?

10 A Well, the responsibility was then no longer ours and they
11 made arrangements among themselves, the Colombians did, and
12 Arturo and I came to an agreement.

13 Q How much money did you save as a result of Garcia Luna
14 giving you sensitive American law enforcement information?

15 A We would have had to be responsible for about \$50 million
16 for the Colombians' losses.

17 Q So how much money did you save?

18 A We saved that amount of money, \$50 million. If not, we
19 would have had to pay it.

20 Q What was the relationship like between the Beltrans and
21 the Zambadas and Chapo?

22 A Well, there was -- there was a close relationship between
23 El Chapo and Zambadas.

24 Can you repeat the question?

25 Q Yes.

1 What was the relationship between Arturo Beltran and
2 El Chapo Guzman?

3 A They had -- they were family. They were cousins. They
4 got along well. That's when we had that very tight
5 relationship, and a familial relationship.

6 Q How did your relationship change over time?

7 A Well, due to Alfredo Beltran being arrested, mistrust
8 started and the relationship started to fracture between
9 Arturo and El Chapo.

10 Q What happened as Arturo and Chapo's relationship started
11 to fracture?

12 A Well, they began to distrust each other and there were
13 comments from this side, comments from the other side. And
14 the comments that Arturo was hearing was that Chapo had a part
15 in his brother's detention.

16 Q Did Arturo Beltran and Chapo Guzman ever start fighting
17 each other?

18 A Yes. After -- after that -- after talking between them
19 and then, yeah, it got to the point where they started
20 fighting. Things came to a head and they started fighting.

21 Q Prior to this war between Arturo and Chapo, who were you
22 closest to in the Sinaloa Cartel?

23 A The relationship that I had was with Arturo more.

24 Q How did your relationship with Arturo Beltran change over
25 time?

1 A Oh, with time, later -- later, the relationship with
2 Arturo broke with him. It broke after I was kidnapped, and he
3 wanted me to take part of the decision to fight with his
4 cousin.

5 Q When were you kidnapped?

6 A I was kidnapped in 2008.

7 Q Was this after the meeting with Garcia Luna about
8 Manzanillo?

9 A Yes, yes, that's right.

10 Q Tell the jury about your kidnapping from start to finish.

11 A Well, the relationship had already started with Arturo to
12 break down between Arturo and -- and Chapo started also with
13 the Zetas, too, with familia in Chihuahua. They were also
14 separating from the Gulf Cartel, and they were joining up with
15 Arturo Beltran, the people from Chihuahua, yeah. They sent us
16 Carrillo's people. They were starting to form a coalition.
17 The same time that Arturo and Chapo's relationship began to
18 break, they also -- the agreement that we had broke down and
19 the truce broke down. They were separating and making their
20 own group. And Arturo was looking to see who was going to be
21 with him and who was going to be against him. And if you
22 weren't with him, you were going to be against him. And I
23 didn't want to get involved in that war because we had a peace
24 agreement. I didn't want to get involved with that fighting
25 between family members who had been best friends and friends,

1 and it was going to get really ugly, and I didn't want to pick
2 a side.

3 And through a meeting that we had in Michoacana, the
4 family, and Nacho Coronell and Rey, they realized that the
5 Gulf Cartel separated; the familia in Michoacana and the Gulf
6 Cartel were together, and Chapo and the Sinaloa Cartel had
7 joined forces.

8 And Arturo said -- Arturo said that he wanted to see
9 me, and I spoke with Indio and Barbie, who were people who I
10 trusted very much. And I asked them to join me to that
11 meeting --

12 THE INTERPRETER: Interpreter correction.

13 A I asked them to join me at that meeting with Arturo, and
14 they said: Oh, of course, yeah. We'll go, we'll go. We'll
15 all go together, and we'll be waiting for you in the capital
16 city to go meet Arturo.

17 THE INTERPRETER: Interpreter needs to clarify. May
18 I?

19 THE COURT: Sure.

20 A When I got to the capital, they sent to pick me up over
21 there in Interlomas, and from there they took me to an office
22 of theirs like we would always do. And when we got there,
23 there were armed people there and they took away our phones
24 and they -- they handcuffed us and they blindfolded us. And
25 from there they took us to another house. And I had with me

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1 another buddy of mine, Bronco who was a federal agent. They
2 took us to one of their safes houses and then Indio and Barbie
3 showed up, and they told me that if I didn't want to fight,
4 well, they did want to fight.

5 And they said that I had given \$50 million, and get
6 out of the country; that they didn't want to see me there. If
7 not, they would fight me.

8 Q Was Arturo present at the location where you were being
9 detained?

10 A No, but he was in communication with them. He was -- he
11 was giving orders and telling them that they had to hold me
12 there.

13 Q Did you speak to Arturo directly during your kidnapping?

14 A Yes.

15 Q What did Arturo say to you?

16 A After Arturo saw that I was going to be on his side and
17 after they had, you know, demanded that I pay the money to
18 help him out in the fight against La Familia Michoacana, that
19 I was going to be with him.

20 Q How long were you how long were you held for?

21 A Yeah, I was there about a week.

22 Q And did you ultimately pay Arturo any money?

23 A Yes, yes, they took money from me.

24 Q How much money did you pay?

25 A They took 5 million from me there.

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1 Q How did you arrange this payment?

2 A I saw they let the person who was with me go to go talk
3 to people there in Guadalajara, the people from our group; my
4 brother, Pilo, Cuinis, used to talk about the situation and
5 where I was. And they put together the money and they sent it
6 directly to the capital through my buddy Pilo.

7 Q And what happened after Pilo paid the \$5 million?

8 A When they received the money, I saw that I was going to
9 provide them support and I was going to send people to
10 Michoacana. They also sent somebody with me because they
11 wanted to get people in Jalisco because they were going to
12 fight with and Nacho Cornell too.

13 Q Were you released after you paid the \$5 million?

14 A Yes, I was afraid, and I went back with another person
15 that they put to go with me, and that person ended up working
16 with me.

17 Q Where did you go after you were released?

18 A No, I mean, I went straight to Guadalajara to the people
19 there in Guadalajara.

20 Q What was your relationship like with Arturo Beltran after
21 he kidnapped you?

22 A After that, the relationship ended with Arturo Beltran
23 and all of his people, and I told him: No, no, we didn't have
24 to do that. We were friends. You could just talk to me. I
25 would have just gone without -- you know, without having need

1 to do that.

2 Q Did you take a side in the Sinaloa Cartel Civil War after
3 your kidnapping?

4 A Yes, but at that point, I stuck to Azul, Chapo, Mayo, and
5 Rey and my -- I stayed with them and also with the Familia
6 Michoacana who were now together with us, too.

7 Q After your kidnapping, did you meet Garcia Luna again in
8 person?

9 A Yes. That was the second time I got together with Garcia
10 Luna.

11 Q Can you describe the second meeting that you had with
12 Genaro Garcia Luna?

13 A After my kidnapping, Azul and Nacho would tell me that we
14 should be prepared because Arturo was going to hit us with
15 everything he had. And they said, you know, we had to make
16 sure to keep control over Jalisco. We needed better
17 arrangements.

18 And it's the same thing that all of the people in my
19 organization were saying -- Pilo, Cuinis, Mencho -- everyone
20 was saying we have to have it better. So that was when my
21 buddy and the people in Guadalajara communicated or contacted
22 Luis Cardenas Palomino to see if we could also have an
23 approach Genaro Garcia Luna as well. So that was -- that
24 happened, and we were able to get together with him later on.

25 Q Were there any -- what was the purpose of your seeking a

1 meeting with Garcia Luna?

2 A Well, most of all, there were going to be investigations
3 and operations against us, and we wanted to put a break -- try
4 to put a break on them. And they were also going to help
5 us -- that we wanted them to help us go against what was
6 coming down on us.

7 Q What do you mean there were going to be operations and
8 investigations against you?

9 A Because when there is a war, they send people, but they
10 also give information to Government and Government people also
11 come against us. They start to raid our offices, our
12 properties.

13 Q Were there any preconditions for the meeting with Garcia
14 Luna?

15 A Yes. That in order to have the meeting, we had to send
16 \$500,000 in order to be able to see him.

17 Q And did you send the \$500,000?

18 A Yes. \$500,000 were given through Luis Cardenas Palomino.

19 Q Where did the meeting that you ultimately had with Garcia
20 Luna take place?

21 A The meeting took place in Guadalajara in a business
22 belonging to my buddy, Pilo.

23 Q What type of business was it?

24 A It was a car wash.

25 MS. DIOUF: I want to show the witness what's been

1 marked for identification as Government's Exhibit 409.

2 Q Do you recognize the location in this photo?

3 A Yes, yes, I do recognize it. It's my buddy Pilo's place
4 where we got together.

5 Q Is this a location where you met the defendant, Genaro
6 Garcia Luna?

7 A Yes, yes, that's correct.

8 MS. DIOUF: At this time, I move to admit
9 Government's Exhibit 409 and publish.

10 MR. MIEDEL: No objection.

11 THE COURT: Received.

12 (Government's Exhibit 409 received in evidence.)

13 (Exhibit published.)

14 Q What are we looking at in this photo here?

15 A A car wash.

16 Q Where were you when the meeting took place?

17 A In the top part. That's where the offices are located.

18 Q Who was with you when you meeting took place?

19 A Bronco was there; my buddy, Pilo; Filipinis, Cuate, and
20 my brother was there too.

21 Q Did you see Genaro Garcia Luna arrive?

22 A I saw him when he entered the office.

23 Q Who did -- who was with Garcia Luna when he entered the
24 office?

25 A Luis Cardenas Palomino was.

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1 Q How were they dressed?

2 A They were both dressed in suits as well.

3 Q What happened during the meeting with Cardenas Palomino
4 and Genaro Garcia Luna?

5 A Well, they introduced -- well, Luis Cardenas Palomino
6 introduced himself, and I greeted Genaro Garcia Luna. We
7 started talking. They knew what had happened to me, the
8 kidnapping, and that Arturo had made a poor decision by
9 getting together with the Zetas and the other group, and that
10 they were not in agreement with the decision that Arturo had
11 made.

12 MR. MIEDEL: Objection as to "they."

13 THE COURT: Who is "they"?

14 THE WITNESS: Genaro Garcia Luna and Luis Cardenas
15 Palomino.

16 (Continued on the following page.)
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1 DIRECT EXAMINATION

2 BY MS. DIOUF: (Continuing)

3 Q Did you give Garcia Luna any money at this meeting?

4 A Yes. We completed with more money; we had to give him \$3
5 million.

6 Q What currency did you pay Garcia Luna in?

7 A In U.S. dollars.

8 Q How was the money packaged?

9 A I did not get a chance to look at how it was packaged.
10 It was my buddy Pilo who handed it over. He had it
11 downstairs.

12 Q What was Garcia Luna's demeanor like during this meeting?

13 A Well, he was a little -- he looked a little worried about
14 the situation and the problems that were --

15 MR. MIEDEL: Objection.

16 THE COURT: Sustained.

17 Ask it a different way.

18 Q What, if anything, did you notice with respect to how
19 Garcia Luna communicated?

20 A Well, his way of speaking, he would get stuck on some
21 words.

22 Q Is this is the first time that you noticed that he got
23 stuck on words?

24 A No, from the time we were with Arturo, I have.

25 Q Looking back at Government Exhibit 409, why did the

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1 meeting with Garcia Luna occur at this car wash.

2 A Because it just so happened that they were going to be
3 there in Guadalajara. It was an impromptu visit.

4 Q Can you indicate where on this exhibit the office was
5 inside the car wash?

6 A Yes, upstairs here.

7 Q Approximately how long did the meeting with Garcia Luna
8 and Cardenas Palomino last?

9 A It was quick. It was about 15 minutes. They introduced
10 themselves, and we talked about Arturo.

11 Q How did the meeting end?

12 A They said they were going to stand with us and that -- if
13 they were to have some middle men to communicate with us in
14 the future.

15 Q So including the \$500,000 payment that you paid to Luis
16 Cardenas Palomino to set the meeting, what was the total
17 amount of money that you gave Garcia Luna?

18 A At that meeting, we gave \$2.5 million to complete the \$3
19 million that had been requested of us.

20 Q And approximately when did this meeting take place?

21 A It was after my kidnappings, about two months later.

22 Q And what year was it approximately?

23 A 2008.

24 Q And approximately what time of year were you kidnaped?

25 A It was like in the middle. This was after the problem,

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1 you know, during my kidnappings there was the Marquesa problem
2 where they left people lying there in the State of Mexico.

3 Q What was the Marquesa problem?

4 A That when I was kidnapped they also kidnapped these other
5 people at the same time; and some days after I was released,
6 they left those people lying there.

7 Q Arturo kidnapped these people?

8 A Yes. They had those people kidnapped there. They were
9 people they were fighting against in the State of Michoacán --
10 excuse me. In the State of Mexico.

11 Q I want to show the witness what has been marked for
12 identification as Government Exhibits 407, 408, and 410, and
13 let me know when you have had a chance to review each one.

14 A Yes.

15 Q 408?

16 A Yes.

17 Q And 410?

18 A Yes.

19 Q What are these photos of?

20 A That same car wash where the appointment took place.

21 MS. DIOUF: At this time the Government moves to
22 admit Government Exhibits 407, 408 and 410 into evidence and
23 publish.

24 MR. MIEDEL: No objection.

25 THE COURT: Received.

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1 (Government's Exhibits 407, 408 and 410 received in
2 evidence.)

3 MS. DIOUF: If you can go through each one quickly.

4 Ms. Donovan, you can take them down, please.

5 Q Generally, sir, how would Arturo Beltran communicate with
6 Garcia Luna?

7 A Through third parties. And I also heard him talking over
8 the phone.

9 Q What type of phones did Arturo use to communicate with
10 Garcia Luna?

11 A They -- he used a unifone.

12 Q Were you ever present when Arturo Beltran was talking to
13 Garcia Luna on the phone?

14 A Yes, in Cuernavaca.

15 Q Tell the jury about that time in Cuernavaca.

16 A At that time, I was going to a different meeting with
17 Arturo to talk about different topics, and it was late. They
18 talked to me at a place, an exclusive place in Cuernavaca. We
19 got to the house. They took us to the house.

20 Q Who were you with?

21 A With my buddy Rene.

22 Q Who took you to the house?

23 A Borato took us.

24 Q Where did he pick you up from?

25 A That time he picked us up at a restaurant.

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1 Q What happened after Borato took you to the house?

2 A We arrived at the house. There were several vehicles
3 there. We went through the house; and in the back of the
4 house, there were several people there already.

5 There was food there, and there were people talking.
6 There were some Colombians there that were talking about a
7 meeting. They were doing a delivery on the high seas.

8 Q A delivery of what?

9 A A shipment of cocaine. They were receiving a ship. And
10 they were coordinating the people on the boats that were going
11 to meet with them.

12 And when I got there, they were having that meeting.
13 And Arturo was there talking on the phone. And he was saying,
14 yes, sir; everything's all good when I -- when I -- when I got
15 there.

16 Q What, if anything, did Arturo tell you about that call?

17 A Yes, of course.

18 After that, Arturo said, Hi. He said, Hey, Copa, we
19 are all good, I was talking about Genaro.

20 Q What did Arturo say the purpose of the phone call was?

21 A The purpose was that he said that he was talking about
22 how everything that come out all right and that they were able
23 to receive the shipment, that they were able to get it out of
24 the sea.

25 Q Who was able to receive the shipment?

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1 A That Arturo had been able to receive the shipment, and
2 they were going to receive it on the shores.

3 Q When did this meeting take place?

4 A This was before, before the meeting that we had in
5 Cuernavaca with Genaro Garcia Luna.

6 MS. DIOUF: Your Honor, I know it's a little bit
7 before 12:30. This might be a good breaking point.

8 THE COURT: Your choice, do you want to break now.

9 MS. DIOUF: Let's break now.

10 THE COURT: Ladies and gentlemen of the jury, have a
11 good lunch. It's waiting for you in the jury room. Let's
12 give it to 1:30 just to make it an even time.

13 (Jury exits the courtroom.)

14 THE COURT: Okay, recess, 1:30.

15 (Lunch recess.)

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A F T E R N O O N S E S S I O N

(In open court; jury not present.)

MR. DeCASTRO: Judge, this is related to scheduling. So it's something I think we probably should address now. I would normally wait until the end -- to the end of the day, at least. So right now, you know, I know we talked about this back in November about the three-day/one-day sort of situation. The parties have been going back and forth on this over the weekend and now today.

THE COURT: Refresh me the three-day/one-day.

MR. DeCASTRO: Yes.

The Government provides us notice three days before and one day -- twenty-four hours on a sensitive witness. So, and I know the Court had sort of urged the parties can you just -- I'll order whatever seems to -- seems to work.

So, you know, last week we finished on Wednesday, we finished early. And by the end of the day we were aware of one witness at that point that would be called. So I'm bringing all this up just so I can -- let me give you a sort of sense as to I think the idea behind this rule is sort of fairness, but it's also to keep the trial moving and for us not to be constantly scrambling around.

End of day Wednesday we were aware of one particular witness.

THE COURT: One witness to go today?

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1 MR. DeCASTRO: That would have been today, yes. And
2 because the three-day rule, they wouldn't have to -- they
3 don't really tell us until Friday what's coming up. So that
4 left Thursday with us knowing about one potential witness.

5 And, of course, we know about all the witnesses, but
6 just so you have a sense of the volume, they have noticed
7 70-some -- 76, 77 witnesses.

8 So then Friday, in the morning, we're informed that
9 it's a sensitive witness that's coming today and a law
10 enforcement officer. So that would mean we don't get notice
11 until Sunday, so we're still operating on that one potential
12 witness and now a sensitive witness --

13 THE COURT: I thought you got that on Friday?

14 MR. DeCASTRO: Friday we were told that there would
15 be a sensitive witness, so we don't know who that is, and that
16 we don't -- we're not informed of that until Sunday.

17 THE COURT: Ah.

18 MR. DeCASTRO: And we were operating, I guess, on
19 that same witness we hadn't gotten to on Wednesday.

20 Obviously, it's frustrating for us because we don't
21 even know how many witness we're going to have. So we reached
22 out -- oh, no, and I think -- well, let me try to shorten this
23 a little bit. Saturday in the morning, the Government gives
24 us notice of their witnesses for Tuesday now. Because Friday
25 they tell us sensitive witness. Now, Tuesday they give us

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1 four witnesses, substantive witnesses, and two sensitive
2 witnesses. So now that's just kind of who knows.

3 THE COURT: Saturday you learned that on Tuesday
4 there would be four witnesses, plus two sensitive witnesses;
5 right?

6 MR. DeCASTRO: Yes, that's correct. Of course the
7 names of sensitives we don't know.

8 So I responded to try to sort of confirm what was
9 going on that Monday, today, would be a sensitive witness,
10 which we didn't know who that was yet, and then a law
11 enforcement witness. And then Tuesday would be what I thought
12 was three law enforcement, a known cooperator, and two
13 sensitive witnesses. I would put the names out, but I know we
14 can't do that.

15 I would ask that we rework this. Just sort of
16 candidly say, this doesn't really work for us. I appreciate
17 the Government being for safety, strategy, all those issues.
18 I've been in many trials, I get it. Logistics, as well, are
19 difficult in a lot of witnesses. But for me, that says if
20 we're having lots of logistical issues, you give me more
21 notice, not less, so that we're not scrambling.

22 I've proposed, I don't know how many times over
23 these last month -- over this last month that maybe we can do
24 Attorneys Eyes Only, for example, where we would agree to just
25 us look at it, but that's fallen on deaf ears several times.

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1 But the Government then responded and said: Okay,
2 we're just going to give you the whole week.

3 And so now, instead of holding us back, they've now
4 -- and what they did was dropped 16 witnesses on us -- 18
5 witnesses on us.

6 THE COURT: Be careful what you wish for.

7 MR. DeCASTRO: Yeah, yeah, with no order. We're
8 being told that no order. We will give them all to you, but
9 we are going to call them when we call them. Five of them are
10 humongous cooperators with thousands of pages of Rule 3500s;
11 two are substantive non-cooperators; nine are law enforcement.

12 I tried to raise it again at the break and,
13 essentially, the way it's played out today is we have this
14 witness on the stand now. Mr. Miedel will cross that witness.
15 That witness, I'm told now, will probably be done today. And
16 then I believe a law enforcement witness, for which I was just
17 told there's additional 3500 that we didn't know about, but --
18 so that's another issue. And then they won't tell us who's
19 tomorrow.

20 The original person they had told us was tomorrow,
21 the cooperator, is not apparently. So it just -- it makes it
22 impossible. The Government has responded to me at times and
23 they say: Well, you know, you've had the 3500 for some time.
24 Well, we don't read it once, and it's thousands of pages, and
25 it's single spaced and it's -- and some of it is text

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1 searchable and a lot of it is not.

2 So, I just think this is not appropriate and this
3 needs to be workable.

4 THE COURT: Okay.

5 Ms. Komatireddy, to some extent I understand the
6 Government might have a change of plans, might have a change
7 of schedule, you don't always know, but can't we do any better
8 than what Mr. DeCastro has just described?

9 MS. KOMATIREDDY: Your Honor, Your Honor set default
10 rules because of the sensitivity of witnesses in this case,
11 and we have not just stuck to those default rules, we've done
12 more disclosure than that.

13 THE COURT: I know, but I want to revise the default
14 rules.

15 MS. KOMATIREDDY: I understand, Your Honor. And I
16 think so far it's been working well.

17 THE COURT: It's been working well for you.

18 MS. KOMATIREDDY: No, Your Honor, I think it's been
19 working well for everyone because the trial is going
20 incredibly fast.

21 The bottom line is last week we had three trial
22 days. We went through all the witnesses that would have been
23 for four trial days. We spent the weekend trying to redo the
24 logistics of our witnesses and our witness order because it's
25 going much faster than we expected.

1 I did disclose all witnesses, sensitive and
2 nonsensitive, for this week to Mr. DeCastro on Saturday and --
3 because I understand that -- the point that the longer witness
4 list is quite long. So we disclosed the witness list for this
5 week sympathetic to that concern. I cannot at this time tell
6 you the exact order. That depends in some ways on witness
7 logistics and what happens in the court and the nature of the
8 cross, but they've had the 3500 for these witnesses for
9 months. Some since last summer.

10 THE COURT: I understand. There's so much. But
11 there's really so much.

12 MS. KOMATIREDDY: I understand, Your Honor, but
13 today's day has gone exactly as we told them it would. One
14 sensitive witness. We have not been abusing our discretion in
15 designating witnesses sensitive.

16 I want to note that the cooperators last week, we
17 provided three days' notice. We did not designate them
18 sensitive. We designated this cooperator sensitive because
19 he's gotten death threats and is in protective custody.

20 THE COURT: That part is okay.

21 How come they don't know now who is going tomorrow?

22 And what about giving them the sensitive witnesses
23 on an Attorneys' Eyes Only basis?

24 MS. KOMATIREDDY: Your Honor, these attorneys
25 disclosed two names on Friday, which, once again, we had to

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1 deal with the fallout of that. I don't think it was
2 intentional, I'm not alleging that, but it wasn't inadvertent.
3 But the reality is that happened and that affects us and it
4 affects our witnesses. It affects when we call that witness.

5 And so, I think we are doing what we have to do for
6 both witness safety and to move the case along. The case is
7 moving along quickly.

8 I just want to note, we did not do some kind of
9 witness dump on them this week. I actually think we're going
10 to get through 15 witnesses, and so we've disclosed 16 just in
11 case.

12 THE COURT: I know, but they go home at night and
13 they want to prepare for the next day and if they don't know
14 who is going, they have to prepare for 16 people. And I get
15 it reduces over the week, but it's just a little too much to
16 ask. Don't you think?

17 MS. KOMATIREDDY: I understand, Your Honor, then I
18 would suggest the same thing I've done in other trials before
19 Your Honor and others, at the end of the day we provide
20 notices of the witness for the next day. Usually we do that
21 at 5 p.m., given what --

22 THE COURT: I think I did one trial where I said
23 3 p.m., 2 or 3 p.m.

24 MS. KOMATIREDDY: No problem, Your Honor, we can do
25 that.

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1 THE COURT: That would help, right?

2 MR. DeCASTRO: It certainly -- it certainly would
3 help.

4 I have no idea what the big deal is to just say,
5 defense lawyers, we're going to tell -- we just told you
6 everybody. Here is our anticipated order. Obviously, if
7 there's a flip here and there, okay. I mean I've done long
8 trials, six months, two months, three months. The Government
9 has even told me which exhibits they would use with every
10 witness in some cases.

11 THE COURT: Every case is different.

12 MR. DeCASTRO: Yeah, exactly. I'm not even asking
13 for that.

14 I'm just saying that, for example, and I said this
15 to the Government: We -- how are you even -- it's easy for
16 them to divide up their witnesses. They know, they've been
17 preparing them. We divide up our witnesses and then what
18 happens when they're going to call four cooperators that I
19 have to cross? So now I've got four witnesses with over 200
20 each? I mean, that's no fun.

21 Not that I suggest this is fun in any way, but --

22 THE COURT: What if they give it to you by three
23 o'clock the afternoon before, doesn't that give you what you
24 need, including the sensitive witnesses?

25 MR. DeCASTRO: If there -- I mean, it sort of -- the

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1 last time we were -- she was giving us, the Government was
2 giving us three days in advance --

3 THE COURT: Right.

4 MR. DeCASTRO: -- the witnesses.

5 THE COURT: I'm talking about the sensitive
6 witnesses.

7 MR. DeCASTRO: Oh, the sensitive. Yes, sensitive
8 would be fine. I mean I don't have a big issue with the
9 twenty-four hour, but we're literally standing here today, I
10 have no idea who is coming tomorrow.

11 THE COURT: Okay. Here's what I'm going to do,
12 because we can't talk about this all day.

13 MR. DeCASTRO: Yes.

14 THE COURT: We need to do better.

15 Give them the sensitive witnesses at 3:00 in the
16 afternoon. Obviously, those are on an eyes-only basis. I
17 don't want to get into whether you made a mistake and let
18 something slip on Friday, Mr. DeCastro, but I will urge you
19 don't let that happen because then notice is going to get
20 shorter.

21 MR. DeCASTRO: Of course, Judge.

22 THE COURT: And then, stick to the three days as
23 contemplated. This does not mean that you are not free to
24 reorder as the exigencies of trial require and/or scheduling
25 requires. That's fine, but just make a good faith effort so

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1 they have a little better preparation.

2 MS. KOMATIREDDY: No problem, Your Honor.

3 THE COURT: All right, let's have the witness and
4 the jury.

5 MR. DeCASTRO: One other -- one other, I'm sorry. I
6 just don't want a debate in the middle of the jury being here.

7 THE COURT: That's okay, go ahead.

8 MR. DeCASTRO: I know that -- I believe they are
9 going to call a law enforcement officer after this person, so
10 at the break they sort of alerted me that there was other 3500
11 related to this witness, which I don't think we have. I've
12 never seen it.

13 THE COURT: How much?

14 MR. DeCASTRO: It's not long. It's like nine pages,
15 but I actually think it might mean I was -- I went from maybe
16 zero cross to cross. It's like 20 pages, but it might mean
17 cross, and so I'm not sure if --

18 THE COURT: Depending on the time, I will either
19 adjourn the trial a little early, if necessary, or I will take
20 a half an hour break so that you can review the documents.

21 MR. DeCASTRO: That's perfect. Thank you.

22 THE COURT: Okay. Let's have the witness, please.

23 (Witness resumes the stand.)

24 (Jury enters.)

25 THE COURT: All right. Everybody be seated.

1 Welcome back, ladies and gentlemen. We will
2 continue with direct examination.

3 MS. DIOUF: Thank you, Your Honor.

4 DIRECT EXAMINATION (Continuing)

5 BY MS. DIOUF:

6 Q Mr. Nava Valencia, before the lunch break you testified
7 that you overheard a call between Arturo and Genaro Garcia
8 Luna?

9 A Yes. Yes, that's right.

10 Q When did that phone call take place?

11 A In 2007.

12 Q Was this before Arturo kidnapped you?

13 A Yes, that's right.

14 Q Did Arturo Beltran talk to you about Ramon Pequeno and
15 Luis Cardenas Palomino?

16 A Yes, I was hearing about them. Yes. I heard.

17 Q How did Arturo Beltran refer to them?

18 A He would also call them Licenciados or Luis and the other
19 guy, Ramon.

20 Q Were you present for any interactions between Arturo
21 Beltran and Ramon Pequeno and Luis Cardenas Palomino?

22 A Yes, I was there for one of the calls when Arturo had a
23 problem.

24 Q Can you describe these calls and the problem?

25 A Yes. That meeting took place in Mexico in the south, at

Valencia - Direct - Diouf

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1 Perisur.

2 THE COURT: I think your mic isn't on.

3 THE INTERPRETER: It seems to be, sir.

4 THE COURT: Okay.

5 THE INTERPRETER: I will project.

6 THE COURT: You're projecting. I'm hearing you, I'm
7 just not hearing it through the mic.

8 BY MS. DIOUF:

9 Q Where is Perisur?

10 A It's by the exit to Cuernavaca in Mexico City.

11 Q And what happened?

12 A When I got there in the morning, that day, there was a
13 meeting with Arturo and, oh, Hector was there and the other
14 guys. And I found out that some of Arturo's guys had been
15 arrested, there were agents of the federal police. Those
16 officers were assigned there in Jalisco.

17 And then Hector was telling me that they almost got
18 Arturo as well in that area because he had gone out ahead over
19 there by the Azteca Stadium. And then they were watching
20 him --

21 THE INTERPRETER: Interpreter correction.

22 A They were watching over him there and the police came up
23 to them and -- and he saw that they --

24 THE INTERPRETER: Interpreter correction.

25 A And they saw that they were armed and they thought that

1 they were suspicious and they asked him for their weapons'
2 registrations, and they didn't have them registered.

3 Q These people you are talking about, are these Arturo's
4 people, the federal police agents?

5 A Yes. They were federal agents of Arturo's who served as
6 his bodyguards.

7 Q And what happened next?

8 A And Hector was telling me about this and Arturo was there
9 with the calls, calling with -- with other people trying to
10 see if he could fix the situation, to see if he could rescue
11 those people and get them out because they were already
12 appearing in the news.

13 Q Who did Arturo call?

14 A He was talking with Luis Cardenas Palomino and Hector.
15 They had several calls going.

16 Q How do you know he was speaking with Luis Cardenas
17 Palomino?

18 A After he finished the call, Arturo came over there with
19 us, over to where Hector and I were, and he said that he was
20 talking with Luis Cardenas Palomino and Ramon Pequeno to see
21 if he could fix the problem.

22 Q What year were these phone calls made in?

23 A In '97 -- 2007. That's right, yeah, 2007. Sorry.

24 Q Who did you pay to run your cartel in Mexico?

25 MR. MIEDEL: Objection. Asked and answered.

1 THE COURT: Overruled.

2 A Paid the federal police, the Federal Highway Patrol, the
3 state police, municipal police, to provide security in the
4 areas that we were in and where we were working.

5 Q What benefit did you get from paying municipal police?

6 A Well, security and protection, and that they weren't
7 going to -- to detain us or our shipments.

8 Q Why did you have to pay different levels of police -- or
9 sorry, why did you pay different levels of police?

10 A Well, we would get, you know, higher levels. We would
11 get more security and more control over our shipments. And if
12 we didn't, we'd have to be at the lower levels and we'd have
13 to, you know, be more hidden.

14 Q Who did you pay in the federal police?

15 A For example, we would pay the Yankees and the police
16 delegates. We would pay different groups of federal police.

17 Q What are Yankees?

18 A They're commanders who are assigned to the area -- that
19 area of the state.

20 Q What type of payments did you make to these officials
21 that you just described?

22 A For example, we had payments that were monthly in the
23 areas that we were working, and they kept increasing and
24 increasing up until it got to \$2 million. And that includes
25 payments to the federal police, the federal highway police,

1 and the state and municipal police.

2 And we also had payments for events, for events that
3 we would have for projects or when there would be things going
4 to the airports, planes coming in. We would have different
5 payments for those. For the ports, as well.

6 Q Did you ever speak to the Yankees that you paid in the
7 federal police about where that money was going?

8 MR. MIEDEL: Objection.

9 THE COURT: Overruled.

10 A Yes. I mean, they had to distribute it as well and they
11 also took part of it to the capitol.

12 MR. MIEDEL: Objection, basis of knowledge.

13 THE COURT: No, I know why. I think it's okay.

14 BY MS. DIOUF:

15 Q What do you mean they had to distribute it?

16 A Well, yeah, they had to share it with their bosses and
17 other people. They didn't keep it all. That's what they
18 would tell me.

19 Q Did you ever pay to have certain federal police
20 commanders placed in particular areas?

21 A Yes.

22 Q How did those payments work?

23 THE INTERPRETER: Interpreter needs to clarify, Your
24 Honor.

25 THE COURT: Please.

1 A Yes, well, those were payments that were separate from
2 200,000 to up to 500,000 to put somebody in a place that --
3 where we could use them, where we were working.

4 Q Who did you have to pay for that to happen?

5 A Well, we had to make the payments to put the people that
6 we wanted to in those spots.

7 Q And where did you make those payments?

8 A Those payments were made directly in Mexico City to the
9 people that were in charge of assigning them or sending them
10 to different areas.

11 Q When were you arrested in Mexico?

12 A In 2009, in October of 2009.

13 Q Can you describe the circumstances of your arrest for the
14 jury, please?

15 A Well, I was detained. I was arrested right outside of
16 Guadalajara, by the airport in Guadalajara. We had a meeting
17 and it was the Army that arrested us. At that time, after I
18 was arrested by the military, they took me from the military
19 base directly to Mexico City where I was presented.

20 And then I was held in preventative detention while
21 they were creating the charges. They were making the charges
22 because I didn't have any -- I didn't have any charges in my
23 country, and the only thing that they had against me was the
24 weapons and the people that were there with me. And I was
25 held there in preventative detention in Mexico City for 80

1 days. First, for 40 days, and then they extended it another
2 40 days of preventative detention.

3 Q What law enforcement agencies secured the facility you
4 were held in when you were in preventative detention?

5 A There at the preventative detention center there was the
6 federal police, the AFI were inside, as well as the munici --
7 metropolitan police. And then on the outside perimeter, the
8 Marines were over there keeping guard at the detention center
9 where we were being held.

10 Q Did you have any interactions with the federal police at
11 this detention center?

12 A Yes, of course. There was a commander and the agents who
13 supported us there.

14 Q What do you mean they supported you?

15 A Well, they placed us in a better place to stay, and we
16 could also communicate -- have communications.

17 Q How could you communicate?

18 A We had cell phones that we could communicate with people
19 outside.

20 Q How did you get these cell phones?

21 A Through the agents in charge there at the preventative
22 detention center.

23 Q And you mentioned you were able to get food from outside.

24 How were you able to do that?

25 THE INTERPRETER: I'm sorry, can you repeat that?

1 Q You mentioned you were able to get food from outside.

2 How were you able to do that?

3 A Yes, also through the commander that they brought us food
4 from the outside. We were able to eat.

5 Q What was your understanding of why the commander did this
6 for you?

7 A Because of the relationship we had over there with Chapo
8 and the Sinaloa people. It's people that they also know.

9 Q Did the commander say anything to you about Chapo?

10 MR. MIEDEL: Objection.

11 THE COURT: Let's have a short sidebar.

12 (Sidebar.)

13 (Continued on next page.)

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Sidebar

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1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: I'm going to overrule the objection. I
4 called you over here so you understand my thinking on it, and
5 so if you are going to object, it will just be for
6 preservation.

7 He has established, arguably, that the commander and
8 the agents are all corrupt and they're all doing things for
9 him. So when he has a conversation with the commander, the
10 commander is a co-conspirator, and I think that's -- without
11 knowing the name of the commander -- maybe you want to cross
12 about that -- or exactly when this conversation occurred --
13 maybe you want to cross about that -- it's enough to get over
14 the threshold for admissibility. Okay?

15 MR. MIEDEL: Judge?

16 THE COURT: Yes.

17 MR. MIEDEL: Because -- well, there's also the
18 question of whether it's in furtherance of the conspiracy at
19 that point.

20 THE COURT: They are getting cell phones to make
21 calls to, you know -- I think it is.

22 MR. MIEDEL: Okay.

23 THE COURT: If you think there's one that's not,
24 that's one I would be interested in. And don't hesitate to
25 ask for a sidebar if you want to make that argument.

Sidebar

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MS. KOMATIREDDY: Thank you, Judge.

MR. MIEDEL: Thank you, Your Honor.

(Sidebar conference ends.)

(Continued on following page.)

1 (In open court - jury present.)

2 EXAMINATION CONTINUING

3 BY MS. DIOUF:

4 Q Did the commander talk to you about Chapo?

5 A Yes, he said he sent me -- he was sending me greetings.

6 And the commander said he was there at my service for whatever
7 I needed.

8 Q Who was sending you greetings?

9 A Chapo was, Chapo Guzman.

10 Q Did the commander say anything to you about Arturo?

11 A Yes, he mentioned about Arturo when he was gunned down by
12 the Marines. He showed me the newspaper and the magazines,
13 and that's where I found out that he was dead.

14 Q What magazine did the commander show you?

15 A Proceso.

16 Q Can you describe what the cover of the magazine looked
17 like?

18 A Yes. There was a photo of Arturo, he was lying there
19 strewn on the floor half naked and they had placed bills over
20 his body.

21 Q How did the commander react to that Proceso article?

22 MR. MIEDEL: Objection.

23 THE COURT: Sustained.

24 Q Did you remain at the preventative detention center in
25 Mexico City?

Valencia - Direct - Diouf

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1 A Yes. I stayed 80 days.

2 Q What happened after the 80 days?

3 A Well, we thought that after 80 days we would be able to
4 get out of the preventative detention center. The charges
5 were placed against me and I was sent to Altiplano.

6 Q What happened when you were -- what happened to your
7 phone that the commander gave to you when you were removed to
8 Altiplano?

9 A Well, we were warned ahead of time that we were going to
10 be moved, so we got rid of the phone and anything that might
11 incriminate us.

12 Q Who warned you?

13 A The commander did.

14 MS. DIOUF: I show the witness only what's been for
15 identification as Government's Exhibit 31.

16 Q Do you recognize the person in this photo?

17 A I don't recognize him clearly.

18 MS. DIOUF: I want to show the witness what's been
19 marked for identification as Government's Exhibit 33.

20 Q Do you recognize the person in this photo?

21 A I don't recognize them clearly, but from somewhere. I
22 don't know exactly.

23 MS. DIOUF: I want to show the witness what's been
24 marked for identification as Government's Exhibit 35.

25 Q Do you recognize the person in this photo?

Valencia - Direct - Diouf

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1 A No. No, no. I haven't seen him.

2 MS. DIOUF: You can take it down, Ms. Donovan.

3 Thank you.

4 BY MS. DIOUF:

5 Q Mr. Nava Valencia, did you plead guilty to the charges
6 against you?

7 A Yes.

8 Q Were you sentenced?

9 A Yes.

10 Q What sentence did you receive?

11 A Twenty-five years.

12 Q After you were sentenced, did you provide assistance to
13 the Government?

14 A Yes.

15 Q What sort of assistance?

16 A With collaboration, helping about my organization -- our
17 organization, our contacts, our roots, to say what we were
18 doing.

19 Q Did you testify in court previously?

20 A Yes. I had to testify, yes.

21 Q Did you receive a reduction in your sentence as a result
22 of that assistance?

23 A Yes.

24 Q What reduction did you receive?

25 A Thirty-three percent of my sentence was reduced.

Valencia - Cross - Miedel

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1 Q Do you expect to receive anything for your continued
2 assistance to the Government?

3 A This is my hope. Last time what happened was that it
4 took a very long time. It's a whole process, but I do hope
5 so.

6 Q What do you expect to -- what do you hope to receive?

7 A Hopefully, I could stay in this country. That's what I
8 hope for.

9 Q Does your participation in this case have any impact on
10 whether you stay in the United States?

11 A The prosecutors could give some sort of recommendation,
12 but in the end, it's the judge who decides.

13 MS. DIOUF: Just a minute, please, Your Honor.

14 (Pause.)

15 MS. DIOUF: Nothing further. Thank you.

16 THE COURT: All right.

17 Cross-examination?

18 MR. MIEDEL: Thank you.

19 THE COURT: Can you pass the mic over, Ms. Diouf?

20 Or did you leave it there?

21 MS. DIOUF: I wasn't mic'd, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. MIEDEL:

24 Q Good afternoon, Mr. Nava.

25 A Good afternoon.

1 Q I wanted to go back to something that you said on direct
2 examination because I wasn't sure I heard you correctly.

3 Did you say that you were personally responsible for
4 the murder of more than a hundred people?

5 A Yes, I did. I did make some bad decisions in my life,
6 yes.

7 Q Ordering the murder of more than a hundred people, you
8 would call that a bad decision?

9 A Yes. Besides that, we were living through a conflict,
10 through a war, that's what was happening.

11 Q The war you are talking about is the war you had with the
12 Familia Michoacana, right?

13 A That's correct.

14 Q And isn't it true that you were, in fact, responsible for
15 closer to a thousand people dying in that war?

16 A Responsible for more than a thousand people?

17 Q Up to a thousand people.

18 A I don't know how far that whole war actually led to, that
19 entire situation, what it led to.

20 Q The truth is, you don't actually know how many people
21 died at your orders; correct?

22 A Yes. You could say that, yes.

23 Q Not only did you order the murder of maybe hundreds of
24 human beings, you also ordered the torture of people; correct?

25 A Yes, for some people that decision had to be made, yes.

Valencia - Cross - Miedel

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1 Q You had to make that decision?

2 A Yes, but also part of the organization that I was in, it
3 wasn't just me.

4 Q You were the head of the organization; is that correct,
5 you were the boss?

6 A Yes, but we also rely on other organizations that are
7 bigger than us.

8 Q Let me ask you about a time in 2005.

9 You wanted to know how many Zetas there were
10 operating in Guadalajara.

11 Do you remember that?

12 A Yes. Yes, I remember that.

13 Q And so you ordered a man and a woman who you suspected of
14 being Zetas to be kidnapped, correct? Do you remember that?

15 A Not quite like that like you're saying it, men and women.

16 Q A man and a woman, specifically.

17 A We were preventing them from entering because we were
18 sending armed groups into Jalisco to where our families were
19 located.

20 Q Okay. Mr. Nava, I'm asking if you personally directed a
21 man and a woman who you suspected of being Zetas to be
22 kidnapped and brought to you?

23 A We did order that, but I don't know what person or what
24 woman you are referring to specifically.

25 Q You had a worker named Cuate; correct?

1 A Yes, that's correct. Yes.

2 Q Do you remember Cuate torturing a man and a woman by
3 suffocating them with a plastic bag while you asked them
4 questions? Do you remember that?

5 A No, I don't remember that.

6 Q Do you remember having people tortured who were then
7 turned out not to be Zetas?

8 A Generally, we made sure that they belong -- that the
9 people belong to the opposite group. We try not to touch
10 other people.

11 Q Sometimes you made mistakes, didn't you?

12 A Surely there were other decisions that were made by other
13 people in the group that took measures.

14 Q You personally participated in torturing people; correct?

15 A Not -- not exactly.

16 Q You punched them, you kicked them, that sort of thing?

17 A I did have to throw some punches and kicks. At some
18 points I did, yes.

19 Q But generally, you left the actual torture to your
20 subordinates; correct?

21 A Yes.

22 Q Now, you had a worker named Tornado; correct?

23 A Yes, he was working with us for some time; yes.

24 Q And he handled the security for your organization;
25 correct?

1 A Yes. We had him in a certain area.

2 Q Working security; right?

3 A Yes. He was -- he was there, yes. He was guarding an
4 area in Colimas [sic].

5 Q He also worked in Veracruz; right?

6 A Yes. Later then he went to go work with that -- with
7 that organization, with the Sinaloa Cartel, you know, with
8 Arturo, to go work in Veracruz, yes.

9 Q But you personally ordered him to go to Veracruz and kill
10 35 to 40 Zetas; right?

11 A No, not exactly. I didn't do that directly, no.

12 Q Well, you told your compadre, your buddy, Pilo, to send
13 \$600,000 to pay for the logistics of this eventual mass
14 murder; right?

15 A Well, yes. I mean, we supported the Sinaloa Cartel with
16 money and people, and they needed people there in Veracruz and
17 the areas around Veracruz, and we sent people there that they
18 needed.

19 Q To kill people?

20 A Well, yeah. Arturo was fighting -- those people were
21 fighting in that area.

22 Q And you had several sicarios working for you; correct?

23 A Yes, yes, that's right.

24 Q And sicarios are, basically, assassins or hitmen; right?

25 A Yes.

Valencia - Cross - Miedel

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1 Q And, in fact, you brought a former commander from the
2 Colombian Army to Mexico to train your sicarios; isn't that
3 correct?

4 A Yes, yes, that's right. We brought people.

5 Q Sorry.

6 He trained them on military tactics; right?

7 A Yes. They were there getting training, yes.

8 Q And weapons training; correct?

9 A Yes.

10 Q So they could be more effective assassins; right?

11 A Yes.

12 Q Now, you also had people that you mentioned on direct
13 called "lo cuinis" working for you?

14 A Yes, they worked there in our organization. Yes.

15 Q And they were responsible for a number of murders, too,
16 at your direction, correct?

17 A Yes, yes. And there were also some decisions that they
18 made as well.

19 Q Did you order the murder of Luis Adrienne Rodriguez, who
20 was a municipal police officer in 2009?

21 A No. No, I don't remember.

22 Q That doesn't ring a bell?

23 A No, it doesn't ring a bell.

24 Q Okay, one moment.

25 You testified today at great length about Genaro

1 Garcia Luna; correct?

2 A Yes, that's right.

3 Q Mr. Garcia Luna, he was famous in Mexico; right?

4 A Yes.

5 Q People knew who he was?

6 A Yes, he was talked about a lot.

7 Q He was in the news?

8 A Yes.

9 Q He gives speeches that people watch on TV; right?

10 A Yes. He also gave speeches, yes.

11 Q And it was also big news when he was arrested in 2019,
12 right?

13 A Yes, yes. That was made known, yes.

14 Q You certainly knew about it. You heard about it when you
15 were in jail; right?

16 A Yes. I was in jail, yes.

17 Q All right.

18 You talked about your arrest; right?

19 A Yes.

20 Q And then once you were detained, you realized that you
21 were wanted by US authorities; correct?

22 A After -- after I was detained, yes, I did find out that I
23 did have an indictment here in the United States, after I went
24 to prison.

25 Q And you knew that you would be extradited to the United

1 States, right?

2 A Yes. I got the news when I was in the prison, yes, that
3 the -- I found out that the Government wanted me.

4 Q Now, you were not the first cartel boss or member to be
5 arrested and extradited to the United States, right, at that
6 time?

7 A You mean of the cartel that I represented or what?

8 Q You knew about other people who had worked in Mexico drug
9 cartels who had been extradited to the United States before
10 you, right?

11 A Yes, yes, that's right. Yes.

12 Q And you knew that if a person arrived in the United
13 States, like you, a cartel member, you could be in prison the
14 rest of your life; right?

15 A No, no, I didn't know exactly. It isn't until you come
16 to this country that you start realizing a lot of things.

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18 (Continued on the following page.)

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Valencia - cross - Miedel

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1 CROSS-EXAMINATION

2 BY MR. MIEDEL: (Continuing)

3 Q You started cooperation as soon as you got to the United
4 States; right?

5 A Yes. That's right.

6 Q And that was in 2011?

7 A Yes.

8 Q You realized that cooperation was the only way you were
9 going to save yourself from spending the rest of your life in
10 prison; right?

11 A Yes, I started to understand that situation. Yes.

12 Q You had trafficked hundreds o, -- well, you trafficked
13 thousands and thousands of kilos of cocaine; right?

14 A Yes.

15 Q You were responsible for the murder of hundreds of
16 people; right?

17 A Yes, that too. That's something that I...

18 Q You --

19 A I am aware of that. You know, sometimes you don't
20 realize the consequences of your actions and what all that can
21 provoke.

22 Q Yeah, the consequences of killing a hundred people can be
23 life in prison; right?

24 A Yeah. I mean, that's what you're telling me now; right?

25 Q Well, let me ask you this: Because you knew that the

Valencia - cross - Miedel

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1 consequences were so serious you began to cooperate right away
2 because that was the only way you were going to reduce your
3 sentence; right?

4 A Yes. Yes. That's right.

5 Q And in your efforts to cooperate, you also enlisted the
6 help of your buddy, Pilo; correct?

7 A If I got -- (interpreter correction) -- if I asked for my
8 buddy Pilo's help.

9 Q You contacted your buddy Pilo to scrounge up information
10 in Mexico that might be helpful for the DEA; is that right?

11 A Well, I told my buddy to try to fix his problems, to get
12 everything of his straightened out.

13 Q Well, you did more than that, didn't you? You asked him
14 to provide information that would help you; correct?

15 A No. I don't know what kind of information that he would
16 have gotten, how that would have benefited me. I don't know.

17 Q Isn't it true that Pilo agreed to assist the DEA with the
18 specific understanding that it would assist you?

19 A Well, he wanted to help me out, but he also was facing a
20 very big problem. He also wasn't going to be able to do much
21 for me.

22 Q And you've been in touch with him as recently as six
23 years ago; right?

24 A Yes. More than six years ago, before my buddy was
25 arrested.

Valencia - cross - Miedel

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1 Q Just a question, side question about Pilo.

2 You testified earlier that he is the one that paid,
3 essentially, your ransom so that you would get released from
4 your kidnappings; isn't that right?

5 A Yes. Yes. That's right. He was the person who was in
6 charge of taking the money to Mexico City and delivering it.

7 Q And the amount that he was supposed to pay was \$5
8 million; right?

9 A Yes, that's right.

10 Q Presumably in cash?

11 A Yes. Cash. In dollars; right.

12 Q Isn't it true that Pilo told you later that he only paid
13 \$4 million because he couldn't fit \$5 million into his car?

14 A Yes.

15 MS. DIOUF: Objection.

16 THE COURT: There was an objection?

17 MS. DIOUF: Yes.

18 THE COURT: Overruled.

19 A Yes.

20 Well, when one of the units was going to be
21 delivered, they -- they could only fit four in, they couldn't
22 fit all five.

23 Q All right. Let's go back to your cooperation, okay?

24 So you testified that you started cooperating with
25 the Drug Enforcement agency in 2011; correct?

Valencia - cross - Miedel

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1 A Yes, that's right.

2 Q And when you say cooperate -- when I say cooperate, you
3 understand that to mean you had meetings with law enforcement
4 agents and prosecutors; correct?

5 A Yes. That's right.

6 Q And during those meetings you were honest and complete;
7 right?

8 A Yes, that's right.

9 Q And between 2011 and 2016, you met with law enforcement
10 agents dozens of times; isn't that right?

11 A Yes. Yes. We met several times, yes.

12 Q You met not just several times, you met dozens of times,
13 didn't you?

14 A Well, yes. You could say that, yes.

15 Q Okay. And now, those meetings they were not recorded,
16 right? They didn't have a video camera or anything like that
17 playing while you were talking; correct?

18 A That's right. I imagine.

19 Q But somebody in the meeting was always taking notes, you
20 saw that; correct?

21 A Yes.

22 Q Sometimes more than one person?

23 A Yes, they were always taking notes. Yes.

24 Q And you know that those notes were eventually turned into
25 official DEA reports; right?

Valencia - cross - Miedel

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1 A Yes. Yes, I found that out later.

2 Q Okay. During those proffers, sometimes you were also
3 shown photographs of people; right?

4 A Yes.

5 Q Sometimes you recognized people; sometimes you didn't?

6 A Yes.

7 Q And often the photographs were of people that you knew
8 from your drug trafficking activities; right?

9 A Yes. The majority of all of them, yes.

10 Q Okay. Now, these meetings, each individual meetings
11 could sometimes take several hours; right?

12 A Yes.

13 Q And in those meetings, you would talk at length about
14 your drug trafficking activities; isn't that right?

15 A Yes. We talked about the more relevant issues, about
16 drug trafficking and things that were relevant to me.

17 Q Well, they asked you about specific people that you work
18 with?

19 A Yes. Specifically of the group, the objection, yes.

20 Q They asked you about, for example, Arturo, El Chapo or
21 others; right?

22 A Yes. They did ask me about them, yes.

23 Q And you talked freely about them; right?

24 A Yes, we discussed several topics regarding them, yes.

25 Q They asked you about the seizure at the Manzanillo Port

Valencia - cross - Miedel

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1 that you talked about today?

2 A Yes. They asked me about that one and about several
3 other seizures that we had, yes.

4 Q Okay. And in some of these meetings they specifically
5 asked you about Mexican Government corruption; right?

6 A They were some topics that were treated in a superficial
7 matter, not directly attacking corruption in Mexico.

8 Q Well -- and I'm talking about proffers or meetings that
9 took place between -- well, that took place before 2020, okay?
10 I'm directing your attention to meetings that took place
11 before 2020.

12 A Before 2020?

13 Q Right, before 2020.

14 Isn't it true that you were, at times, in those
15 meetings, asked about Mexican Government corruption and
16 payments to police and that sort of thing?

17 A Yes. As I said, sometimes some of those topics were
18 addressed, yes.

19 Q And, in fact, you provided names of people that you were
20 -- that you had bribed; right?

21 A Well, some, but we didn't go deeply in 2020 about
22 corruption topics or things that were going on in the
23 Government.

24 The topics were on my organization, routes,
25 partners. They were focused on those areas.

Valencia - cross - Miedel

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1 Q Mr. Nava, try to answer the question that I am asking
2 you.

3 A Yes.

4 Q Again, directing your attention to meetings that took
5 place before 2020, okay, I asked you, isn't it true that you
6 provided names of people that you bribed in those meetings Mr.
7 Nava?

8 A Yes, some names.

9 Q For example, you provided names of so-called Yankees?

10 A Yes, some Yankees and delegates, but there's a lot of
11 them.

12 Q Right. For example, you provided the name Bruno Acosta?

13 A Yes.

14 Q You provided the name of Comandante Manzano?

15 THE COURT: Mr. Miedel, you are hearing the Spanish
16 and asking questions before the translation.

17 MR. MIEDEL: Sorry.

18 A Yes, but they were topics, we were talking about the '90s
19 at that time when I was trafficking marijuana in Sayulita
20 (phonetic). We were talking about those areas.

21 Q Mr. Nava, just try to answer the question that I asked
22 you.

23 You -- in a meeting in -- that you had with the
24 Government with in -- with the U.S. Government in 2013, 2013,
25 you even talked about the Mexican Secretary of Defense getting

Valencia - cross - Miedel

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1 bribed, remember that?

2 A I don't remember.

3 Q Do you remember that you said that a fellow drug
4 trafficker named Mario Acosta Chaparro, that that drug
5 trafficker was released from detention by Secretary of Defense
6 Guillermo Galván Galván?

7 A Yes. Yes. I do remember. I do remember. He was at
8 some meeting, Acosta Chaparro, yes.

9 Q And you said that Acosta had a special relationship with
10 Galván Galván, the Secretary of Defense of Mexico; right?

11 A Right. I don't remember very clearly, but, yes, it's
12 been a long time.

13 Q Okay. And in those years in which you had proffer
14 meetings before 2020, there is one name that you never
15 mentioned. Do you know what name I'm going to ask you?

16 A Tell me.

17 Q Genaro Garcia Luna. You never mentioned him once before
18 2020, did you?

19 A There were topics that were not touched. There were also
20 delicate topics and I was afraid. There's a lot of thing
21 going on.

22 Q You mentioned the Mexican Secretary of Defense, but you
23 were reluctant to mention the Mexican Secretary of Public
24 Security, is that your testimony?

25 A I was talking -- I was talking about Acosta Chaparro

Valencia - cross - Miedel

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1 because that's the question that I was being asked and that's
2 what we talked about at that time.

3 Q So is your testimony that the reason you never mentioned
4 Mr. Garcia Luna's name in all those years is because you were
5 never asked directly whether you bribed him?

6 A Directly that there wasn't an interest directed to those
7 topics. We talked about those topics very superficially, like
8 Government corruption. We didn't really go deep into it until
9 the time came.

10 Q So even though you were asked questions specifically
11 about the cartel's relationship with Government and Government
12 corruption, Mr. Garcia Luna's name just never happen to come
13 to mind?

14 A Of course it came to mind.

15 Q But you just didn't mention it?

16 A I wasn't asked specifically at that time.

17 Q Okay. There's another name that you never mentioned
18 during all those years when you were asked about corruption.
19 That was Luis Cardenas Palomino.

20 A Yes, that's correct.

21 Q And you testified at length today about Mr. Palomino and
22 how you were present at meetings with him or a meeting with
23 him; correct?

24 A Yes, correct.

25 Q But not a word about him between 2011 and 2020?

Valencia - cross - Miedel

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1 A There wasn't -- there wasn't -- until that time there
2 wasn't -- until the time came, yes.

3 Q Are you aware that you were shown a photograph of Mr.
4 Palomino in 2013 in one of those meetings?

5 A In 2013, I don't remember that. That was so long -- many
6 years ago.

7 Q Well, isn't it true that you didn't -- you already told
8 us just now that you never talked about him; right?

9 A I didn't -- I didn't mention him in that occasion, in
10 that occasion I didn't mention him.

11 Q When you were shown a photograph of him, you didn't
12 identify him?

13 A Say that again.

14 Q When you were shown a photograph of him in 2000...

15 MS. DIOUF: Objection.

16 THE COURT: I assume there is a good faith basis.
17 You haven't finished the question.

18 Q When you were shown a photograph of him in 2013, you
19 didn't identify him?

20 MS. DIOUF: Objection. Personal knowledge.

21 THE COURT: Good point.

22 MS. DIOUF: I'm sorry?

23 THE COURT: Overruled.

24 A I must not have been sure. There is photos, that with
25 the passage of years, or sometimes I don't remember. And

Valencia - cross - Miedel

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1 again, as I told -- as I said before, I only saw him once.

2 Q Okay. I already asked you that during these meetings
3 before 2020 you were asked at length about the Manzanillo Port
4 seizure; correct?

5 A That's correct, yes.

6 Q And that seizure was a big deal for you; correct?

7 A Yes, that's correct.

8 Q You lost 10 tons of cocaine?

9 And Arturo lost -- sorry.

10 A Yes, correct.

11 Q And Arturo lost 10 tons of cocaine; right?

12 A Yes. Yes, that's correct.

13 Q And that's a lot of profit for you gone?

14 A Yes.

15 Q And, so, your efforts to try to get those drugs released,
16 they were something that you remembered; you testified about
17 them years later today. Right?

18 A Yes.

19 Q And this meeting that you talked about today with -- that
20 supposedly Mr. Garcia Luna attended, that was a big part of
21 this whole Manzanillo Port seizure; correct?

22 A Yes.

23 Q And in a meeting with the Government in 2015, you talked
24 about this seizure; correct?

25 A Yes. We did talk about the seizure, yes.

Valencia - cross - Miedel

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1 Q You even talked about your efforts to try to get the
2 drugs back from the Mexican government?

3 A Yes. That's right. Yes, I mentioned that.

4 Q But it just didn't occur to you to mention the name
5 Genaro Garcia Luna in connection with this whole event?

6 A When was that? Are you talking about 2015?

7 Q 2015.

8 A At those times, as I said before, the focus was on my
9 partners, on the routes.

10 As I'm repeating to you, there's topics that we
11 didn't go in deeply like corruption or who was behind it in
12 the government.

13 THE COURT: Let me interrupt you for just a minute.
14 Ladies and gentlemen, ladies and gentlemen, sometimes after
15 you have lunch in the afternoon, you can get a little sleepy.
16 I understand that. Sometimes you're not even a little sleepy;
17 you just have your head down and it looks to the lawyers and
18 me that you might be asleep.

19 This is a very important case. It is very important
20 that you stay focused on every piece of testimony. Please,
21 try to pay attention. I don't want to single anyone out. I
22 know most of you are. Almost all of you are paying great
23 attention, but please be careful to stay in that mode.

24 Please proceed, Mr. Miedel.

25 MR. MIEDEL: Thank you.

Valencia - cross - Miedel

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1 Q Mr. Nava, my specific question was about the fact that
2 you were specifically asked about the Manzanillo Port seizure
3 and all those events surrounding it.

4 A Yes.

5 Q And --

6 A But we did not specifically address the topic of Genaro
7 Garcia Luna at that time.

8 Q I understand. And you specifically talked about, in that
9 meeting, about your efforts to try to get the drugs returned
10 from the government of Mexico?

11 A Yes.

12 Q And your testimony today was all about how incredibly
13 important it was that Mr. Garcia Luna came to try to intervene
14 in this event?

15 A Yes. That's correct. Because of what we were talking
16 about with the Colombians, it was important, yes.

17 Q And yet in 2015, eight years ago, it didn't occur to you
18 to mention that?

19 A We didn't focus so much on that issue until they brought
20 up the topic in 2020.

21 Q Mr. Nava, I'm going to move on in a second. When you say
22 they didn't focus on at that issue, they specifically asked
23 you about your efforts to get the money -- the drugs back from
24 the Mexican government; right?

25 A As I said, we did address that topic, but we talked about

Valencia - cross - Miedel

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1 a lot of other topics, but that specific day we were not
2 focused specifically on that.

3 Q And your effort in these meetings was to be truthful,
4 complete, and honest, and forthcoming; right?

5 A Yes. That's correct. To be honest and speak the truth,
6 yes.

7 Q And your testimony today is the highest level of the
8 Mexican government, the Minister of Public Security personally
9 shows up at a meeting to talk about how to resolve this
10 problem with the Manzanillo Port; right?

11 A Yes.

12 Q And you mentioned that for the first time only after Mr.
13 Garcia Luna has been arrested and is in the news; right?

14 A Well, the topic had been mentioned superficially before.
15 But it was in 2020 when they came to ask me specifically about
16 this, that's when it came up.

17 THE COURT: Mr. Miedel, have we gotten what we need?

18 MR. MIEDEL: Okay, I'll move on.

19 THE COURT: If you are going to finish in a few
20 minutes, fine. If you are not, we will take our afternoon
21 break.

22 MR. MIEDEL: We can take a break.

23 THE COURT: Ladies and gentlemen, 15 minutes.

24 Please come back at 3:15. Remember please do not talk about
25 the case.

Valencia - cross - Miedel

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1 (Jury exits the courtroom.)

2 THE COURT: Let's have the witness out, and I just
3 want to say one thing to the lawyers before we break.

4 Everyone can sit down or leave, or whatever you want to do.

5 Someone at the each counsel table needs to keep an
6 eye on the jurors. All right?

7 MR. DE CASTRO: On it.

8 THE COURT: I just caution you. It wasn't a long
9 absence, but it was a little bit of an absence.

10 MS. DIOUF: I was told I shouldn't stare, Your
11 Honor.

12 THE COURT: I know why you are saying that, but
13 still you have to glance.

14 MR. DE CASTRO: Judge, on the scheduling things we
15 discussed a little bit earlier, I don't think you meant to do
16 this, but you have now given us less time on sensitive
17 witnesses. They were originally going to tell us 24 hours in
18 advance and now they only have to tell us 3:00 p.m. the day
19 before.

20 THE COURT: Sensitive witnesses.

21 MR. DE CASTRO: Correct. They were giving us 24
22 hours.

23 THE COURT: On sensitive witnesses.

24 MR. DE CASTRO: On sensitive.

25 THE COURT: I reinstate.

Valencia - cross - Miedel

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1 MS. DIOUF: I just e-mailed it over, Your Honor.

2 (Recess taken.)

3 THE COURT: Let's have the witness back and the jury
4 in.

5 We need the defendant and the witness.

6 (Defendant present.)

7 MR. DE CASTRO: Judge, I'm stepping out just to grab
8 a water.

9 THE COURT: Go.

10 MR. DE CASTRO: Never mind.

11 THE COURT: We can sit down. The jurors are not
12 lined up. We are waiting for the defendant and the witness.

13 (Defendant present.)

14 (Jury enters.)

15 THE COURT: All right. Everyone be seated.

16 Please continue, Mr. Miedel.

17 MR. MIEDEL: Thank you.

18 Q Mr. Nava, we were just discussing the Manzanillo Port
19 seizure. Do you remember that?

20 A Yes. Yes.

21 Q Now, you testified earlier today about a document that
22 you say was provided to you and Arturo by Mr. Garcia Luna
23 about that; correct?

24 A Yes. They sent the document through Arturo, yes.

25 Q Did you personally see that document?

Valencia - cross - Miedel

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1 A Yes. Yes, I did.

2 Q And that was an important document because it explained
3 what happened, right, and that you weren't at fault, according
4 to you; right?

5 A Yes. Yes. Correct.

6 Q And you said that you all sent that to the Colombians so
7 that you weren't on the hook for the \$30 million; right?

8 A Yes. Correct.

9 Q So you kept a copy of that document; right?

10 A Well, I did send a copy, and I kept another one for some
11 time.

12 Q Okay. Did you take a picture of it?

13 A No.

14 Q Because that document was important for insurance
15 purposes, too; right?

16 A Yes. But it was also a document that involved us and
17 some -- one way or another would affect us.

18 Q So you're saying that document doesn't exist anymore?

19 A Yes, it doesn't exist anymore. What we used it for, it
20 was already done. There was no need to keep it.

21 Q So we just have to take your word for it; right?

22 A Well, if you want to look at it that way.

23 Q Okay. You also said that the cartel was paying Mr.
24 Garcia Luna for assistance; right?

25 A Yes.

Valencia - cross - Miedel

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1 Q And for information; correct?

2 A Yes. Correct.

3 Q And for warnings about potential law enforcement
4 activities; right?

5 A Yes.

6 Q You were not paying Mr. Garcia Luna for after-the-fact
7 excuses; right?

8 A After-the-fact excuses?

9 Q Well, you testified today that he came and explained to
10 you why you guys couldn't get your drugs back, right, after
11 the fact?

12 A Yes. He did come to explain the situation to us and that
13 he couldn't do it, yes.

14 Q That's not what you were paying him for; you were paying
15 him to let you know ahead of time that something like that was
16 going to happen; right?

17 A Yes, ahead of time. Or if possible, if that could be
18 recovered at the time, yes.

19 Q Okay. You testified earlier today about assets,
20 properties, that sort of thing that you bought with your drug
21 money.

22 A Yes.

23 Q You mentioned buildings and ranches and properties;
24 right?

25 A Yes.

Valencia - cross - Miedel

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1 Q Those have all been seized; right?

2 A Yes, part of it was seized.

3 The other part was kept there by people who kept the
4 properties and money, yes.

5 Q So are you saying that you and your family could still be
6 receiving the benefits of these properties after all these
7 years?

8 A Well, the reality is that not too much was left. There
9 are many people who take advantage of the situation. They
10 take advantage of what happened, and they kept our things.

11 Q And much of it was seized by the Government; right?

12 A Yes, the Government seized part of it, but the other
13 people, they kept some of it as well. Those are the people
14 that are still with the cartel.

15 Q Okay. So, you told us already that in 2011 you started
16 cooperating with the U.S. Government; right?

17 A Yes. Correct.

18 Q And in 2014, you were sentenced to 25 years; right?

19 A Yes. Correct.

20 Q You were, obviously, present at your sentencing; right?

21 A Yes.

22 Q You heard what the prosecutor and the defense lawyer and
23 the judge said; right?

24 A Yes.

25 Q And you heard the judge say that he would have given you

Valencia - cross - Miedel

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1 a lot more than 25 years but he was taking into account what
2 you had already done by that point; right?

3 A Yes.

4 Q Now, you were not happy to get 25 years in prison;
5 correct?

6 A That's correct.

7 Q You felt you should have gotten a lot less; right?

8 A Yes.

9 Q So you continued to cooperate with the Government; right?

10 A Yes. I kept cooperating after I was sentenced, yes.

11 Q And that paid off because in 2019, you were resentenced
12 to 16 and a half years; right?

13 A Yes. They did consider that, and I, thank God, received
14 a reduction of my sentence.

15 Q But you were still not that happy with 16 and a half
16 years; right?

17 A Well, I don't have a lot of time left.

18 Q You don't like being in jail; right?

19 A Well, but most of the time has already gone by so if you
20 look at it from that point of view, I mean, I only have a
21 short time left.

22 Q Right but my question to you is: You don't like being in
23 jail, do you?

24 A Well, no, I don't think anybody would enjoy being in
25 jail.

Valencia - cross - Miedel

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1 Q And you heard -- did you hear about, for example,
2 Grande's sentence?

3 A No.

4 Q So after 2019, you're sitting in jail with your
5 16-and-a-half-year sentence; right?

6 A Yes.

7 Q And that in 2020, seemingly out of nowhere the
8 prosecutors show up and ask you to help them out against
9 Garcia Luna; right?

10 A Yes, they came to see me and they asked me what I knew
11 about him. Yes.

12 Q And you saw -- you suddenly had an opportunity to even
13 further reduce your sentence, which you didn't realize you had
14 before; right?

15 A No, I didn't look at it that way.

16 Q Well, you understood that if you cooperated against Mr.
17 Garcia Luna you could get another sentence reduction; right?

18 A Well, no, not exactly. Not exactly about him because
19 there were also other things I haven't gotten anything for or
20 anything at all.

21 Q Whatever the cooperation is, including his, you could get
22 a sentence reduction down to time served; right?

23 A Well, maybe. I don't know. Maybe things can go that
24 way. I don't know.

25 Q This somehow -- this hasn't occurred to you?

Valencia - cross - Miedel

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1 A I really hadn't looked at it that way.

2 Q You're just sitting in jail. You're saying to yourself I
3 might get out in six months or I might get out in three years;
4 it really doesn't matter to me?

5 A No. I looked at it from the point of view of giving
6 back being able to contribute to my country's society.

7 Q Oh, okay. Well, let me --

8 THE COURT: I have no idea.

9 Let's swap.

10 MR. MIEDEL: May I proceed?

11 THE COURT: Please.

12 Q All right. So starting in 2020, you start meeting with
13 these prosecutors in your effort to assist in the prosecution
14 against Mr. Garcia Luna; correct?

15 A Yes. Correct.

16 Q Right. And you provided a story that you told today?

17 A Yes. Correct.

18 Q And in exchange, in part, at least the Government has
19 told you that they will take -- bring your family out of
20 Mexico to the United States; correct?

21 A Well, not exactly.

22 Q Well, do you know -- do you know DEA Agent Mori?

23 A Mori, yes.

24 Q You have been meeting with him for years; right?

25 A Yes. Yes. It's been sometime since he started working

Valencia - cross - Miedel

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1 with some relevant matters from our organization, yes.

2 Q Well, my question is: You personally have met with him
3 for years; isn't that right?

4 A Yes, but we do meet. I mean, not sporadically, that not
5 that often.

6 Q Mr. Nava, I would really appreciate if you would answer
7 the question. Okay?

8 A Yes.

9 Q And Agent Mori has met your family; right?

10 A Yes. Yes. Correct.

11 Q And he's has assisted in getting them out of Mexico to
12 the United States; right?

13 A Yes, correct.

14 Q And Agent Mori works with these prosecutors; right?

15 A Yes, I imagine so. Yes.

16 Q Okay. So, you understood that you provided an account,
17 like you did today in court, and you understood that as long
18 as you stick to that account, you will receive some kind of
19 benefit; right?

20 A Well, yes, uh-huh.

21 Q And if -- but last month, just a month ago, in December,
22 you didn't stick to that story; right?

23 A What story or account are you referring to specifically?

24 Q Well, isn't it true that on December 14th of 2022, you
25 told these prosecutors that you had lied previously and that

Valencia - cross - Miedel

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1 you had never actually met Garcia Luna?

2 A 2022?

3 Q December 14, 2022.

4 A Well, that was -- well, the reality is that, you know,
5 I'm fearful. I mean, more than anything it's fear. Really
6 it's a bad situation. It's not easy for me to be sitting here
7 and to tell the truth and to tell how things were. It's not
8 easy.

9 Q Well, when you said that to these prosecutors that you
10 had previously lied, they left the room; right? You remember
11 that?

12 A Yes. Yes. They left. Some of them, yes.

13 Q And you were left alone with agent -- DEA Agent Franks;
14 right?

15 A Yes. He was there. Other people were there.
16 Interpreters were there. Everyone was there.

17 Q Well, it's not true everyone was there. It was Agent
18 Franks and it was the interpreters. And there was Agent Mori
19 on the phone. That's it; right?

20 A Yes.

21 Q And Agent Mori, who you just told us you talked to
22 forever and he's met your family and he's helped your family
23 get out of Mexico, he said to you, What are you doing?

24 Right?

25 Sorry, go ahead.

Valencia - cross - Miedel

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1 A Yes. He was surprised that I was thinking about taking a
2 different attitude.

3 Q He said you're in serious danger of screwing up your
4 cooperation if you stick to this new story; right?

5 A No. No, he didn't say anything to that effect.

6 Q You're telling us that he didn't mention anything about
7 your cooperation in that conversation?

8 A But as to being in serious danger, if I wanted to change,
9 no.

10 Q Well, if you told the prosecutors that you had lied
11 previously and that you had never met Mr. Garcia Luna, they
12 couldn't use you at trial. They couldn't put you on the
13 stand; right?

14 A Yes. If that had happened at the beginning in 2020 when
15 they came to see me, I wouldn't be here. I would not have had
16 to go through this entire process.

17 Q But my question is: If you had persisted in what you
18 said to them in December, which was that you had previously
19 lied, they would not be putting you on the stand today; right?

20 A If I had said -- if I had affirmed that situation yes, I
21 don't think so.

22 Q Because then you wouldn't be of any use to them against
23 Mr. Garcia Luna; right?

24 A No, I don't know how I could answer that question for
25 you.

Valencia - cross - Miedel

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1 Q All right. Anyway, you -- but Agent Mori and Agent
2 Franks talked to you for a while; right?

3 A Yes. We did talk for a while, but I was worried. I was
4 worried about the situation I was in. I was worried about my
5 family in Mexico, you know, this situation, I -- I'm afraid, I
6 feel afraid. I feel I'm in danger.

7 And, you know, there have been significant problems,
8 a good number of significant problems in Mexico ever since I
9 decided to cooperate with the Government in 2011. And the way
10 I feel is that problems are just piling and piling on top of
11 me.

12 Q So you said that -- this is just a month ago; right?
13 You're scared, right, that's what you just said?

14 A Yes, I started to feel that way and -- well, as soon as
15 the dates started getting closer and closer, those feelings
16 became a lot stronger, yes.

17 Q But you buckled up and you said, okay, fine, I'm going
18 back to my original story; right?

19 A Of the way things were, of the way I've always explained
20 it, what I've always said.

21 Q And that's why you're here?

22 A Yes. I'm here to -- I'm here to tell the truth, to tell
23 you how it was.

24 Q Mr. Nava, how do we know what the truth is?

25 A Well, I think it's through other people. People who --

Valencia - cross - Miedel

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1 we all experience these things together at a particular time,
2 at a particular moment; and I think, well, you know, there are
3 no documents, no photographs, we have nothing like that.

4 Q Just your word; right?

5 A My word, but I would imagine there are other people, too.

6 Q Have you talked to other people? Do you know what
7 they're saying?

8 A No. No.

9 Q A few other questions.

10 You testified that you were close to Arturo Beltran;
11 right?

12 A Yes. Yes. Correct.

13 Q In fact, you considered him a friend until you had your
14 split; right?

15 A Yes, correct. Yes. Both of us.

16 Q And you met many times with him and his people; right?

17 A Yes.

18 Q Those included Grande; right?

19 A Yes. Grande, yes.

20 Q Sorry. Barbie?

21 A Yes.

22 Q Hector, his brother?

23 A Yes.

24 Q And you all would get together for meetings and parties
25 and get-togethers; right?

Valencia - cross - Miedel

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1 A Yes. For business, yes.

2 Q And in all those get-togethers, nobody every mentioned
3 anything to you about kidnapping the Minister of Public
4 Security; right?

5 A The Minister of Public Security? No.

6 I didn't hear anything directly from them there.

7 Q Okay. You testified earlier about overhearing Arturo
8 make a phone call supposedly to Mr. Garcia Luna; right?

9 A Yes. Yes. Correct.

10 Q And you said he was using, what do you call it, a
11 UniPhone?

12 A Yes, a UniPhone.

13 Q What is that?

14 A Well, it's a telephone that we used for communication
15 purposes that wasn't so easy to listen in on.

16 Q Okay. And you could not hear -- you could hear Arturo
17 speaking, but you couldn't hear the person he was speaking to
18 speaking; right?

19 A Yes, that's correct.

20 Q It's not like it was on speakerphone or on a radio or
21 something like that; right?

22 A No. He was speaking in a low voice, yes.

23 Q Okay. You testified about the this meeting that you said
24 took place in Guadalajara at the car wash; right?

25 A Yes. Correct. Yes.

Valencia - cross - Miedel

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1 Q And is it your testimony that -- your testimony is that
2 Mr. Garcia Luna and Cardenas Palomino arrived together; right?

3 A Yes. Yes. Correct.

4 Q And they didn't have a big security detail with them;
5 right?

6 A Yes, they had security detail. There were patrol cars
7 with them.

8 Q At the car wash?

9 A Yes. Some of them came there, yes.

10 Q Did they come up into the office with you?

11 A No. The only people who came up to the office were
12 Cardenas Palomino and Mr. Garcia Luna. Everybody else stayed
13 downstairs.

14 Q And Guadalajara is six and a half hours from Mexico City;
15 right?

16 A Yes.

17 Q Okay. So you testified that -- you testified that you
18 paid regional and municipal police officers; right?

19 A Yes.

20 Q And at the port, you paid customs officials; and you even
21 paid the local prosecutors, you said?

22 A Yes. The customs, prosecutors, and the interdiction
23 people.

24 Q And at the Mexico City airport, you said the cartel paid
25 airport police; right?

Valencia - cross - Miedel

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1 A Yes, they had airport police on their take.

2 Q And customs people at the airport?

3 A Yes, customs, feds, federal police.

4 Q And the purpose of that was so that airplanes landing at
5 the Mexico City airport carrying drugs would not be searched
6 or somehow interdicted; right?

7 A Yes. Commercial planes that would come in that we were
8 using there.

9 Q And you also -- you were asked on direct examination why
10 did you -- why did you bribe Garcia Luna, and you said you
11 specifically bribed him to have control in areas where you
12 didn't otherwise have control?

13 A Yes. Yes. Correct.

14 Q Now, you know, right, that Mr. Garcia Luna was the
15 security minister for the entire country of Mexico; right?

16 A Yes. Yes. Correct.

17 Q He was in President Calderón's cabinet?

18 A Yes. Yes. That too, yes.

19 Q He oversaw the entire country's security; correct?

20 A Yes. He was the secretary.

21 Q And you think that the secretary of national security
22 knew or cared about any particular plane arriving at the
23 airport with a bag of cocaine in it?

24 A So in 2006, when we did that, got together that pool of
25 payment, that meant that we now had the airports under our

Valencia - cross - Miedel

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1 control. Not only the airport in Mexico City, but private
2 airports, private planes with a flight plan.

3 Q But you testified that you had the cartel, not maybe you
4 particularly, but the cartel had people bribed all throughout
5 the Mexico City airport; right?

6 A They had control at the Mexico City airport. They,
7 Arturo and Rey had control over the entire Mexico City
8 airport.

9 And when we got together that pooled payment, our
10 opportunities expanded. We were able to work in other
11 airports, not only the Mexico City airport.

12 Q Okay. So your testimony is that you and your fellow
13 cartel bosses are paying millions of dollars to the person
14 right below President Calderón; right?

15 A Yes. Yes, we did get up to that level.

16 Q And you testified that one of the reasons that bribes
17 were paid was for security; right? Meaning, to keep from
18 getting yourselves arrested; right?

19 A Yes, in part. Some of it was to stop the investigations
20 against us.

21 THE COURT: Let me try to speed this up a little.
22 Please tell the witness that if he is asked a question that he
23 can answer yes or no to, he should just answer yes or no.

24 If you can't answer yes or no, just say I can't
25 answer yes or no.

Valencia - cross - Miedel

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1 THE WITNESS: All right.

2 MR. MIEDEL: All right. Thank you, Judge.

3 Q So, again, one of the reasons you say you paid bribes to
4 as high level as a national security minister is to keep
5 yourselves from getting arrested by law enforcement; right?

6 A Yes. Correct.

7 Q Or if, God forbid, you were arrested, to get out of the
8 detention; right?

9 A Yes.

10 Q Now, you, Mr. Nava, you were arrested in 2009; right?

11 A Yes.

12 Q And you didn't escape; correct?

13 A No, I did not escape.

14 Q And La Barbie, he was arrested in 2010; right?

15 A Yes.

16 Q And he didn't escape?

17 A No, he didn't escape either.

18 Q And Rey Zambada who was one of the heads of the Sinaloa
19 Cartel, he was arrested in 2009; right?

20 A Yes.

21 Q And his brother Arturo Beltran -- not his brother. I'm
22 sorry.

23 Arturo Beltran, he was killed by law enforcement in
24 2009; right?

25 A Yes.

Valencia - cross - Miedel

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1 Q And his brother Alfredo Beltran Leyva, he was arrested in
2 2008; right?

3 A Yes.

4 Q And El Conejo, Colombian drug trafficker, he was arrested
5 in 2010; right?

6 A Yes.

7 Q And El Grande, he was arrested in 2010?

8 A Yes.

9 Q And these were all senior members of the cartels -- in
10 some cases, the actual leaders of the cartels; right?

11 A Yes.

12 Q And during those years that all of those people that I
13 just mentioned were arrested, President Calderón was the
14 president of Mexico; right?

15 A Yes.

16 Q And Mr. Garcia Luna was the Minister of Public Security;
17 right?

18 A Yes.

19 Q You didn't get much for your money, did you?

20 A Yes, but there were other law enforcement agencies. For
21 example, I was arrested by the military.

22 Q You understand that President Calderón had a cabinet,
23 right, which is his most senior ministers?

24 A Yes.

25 Q Which included the Secretary of Defense; right?

Valencia - cross - Miedel

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1 A Yes.

2 Q Which was the secretary in charge of the Army and the
3 Navy; right?

4 A Yes.

5 Q By the way, the same Secretary of Defense that you
6 earlier said was also bribed, I guess; right?

7 A Yes.

8 Q And you have no idea what decisionmaking went in to who
9 makes arrests at certain times; right?

10 A Yes, I have no idea.

11 Q You have no idea how closely Mr. Garcia Luna worked with
12 the Secretary of Defense in coordinating these things; right?

13 A No.

14 Q All you know is that all these senior cartel members were
15 arrested during his tenure; right?

16 A Yes.

17 Q Okay. Mr. Nava, would you agree that running a drug
18 cartel is dangerous business?

19 A Yes.

20 Q You were constantly at the risk ever being harmed or
21 killed by enemies; right?

22 A Yes.

23 (Continued on next page.)

24

25

1 CROSS-EXAMINATION

2 BY MR. MIEDEL: (Continuing.)

3 Q And at risk of being arrested or killed by law
4 enforcement; right?

5 A Yes.

6 Q And you did everything you could to survive and to
7 succeed; correct?

8 A Yes.

9 Q And that included killing hundreds of people if you
10 needed to; right?

11 A I would look at it from the business side, not from the
12 side of killing people.

13 Q Okay. You also did everything you could to avoid
14 capture; right?

15 A Yes.

16 Q You used fake names and fake passports; right?

17 A Yes.

18 Q You tried to pay jail officials millions of dollars to
19 try to get out of your predicament?

20 A Not -- not where I was incarcerated.

21 Q But essentially you tried to avoid -- you tried to do
22 anything that would avoid where you are now; right?

23 A Yes, yes, correct. I even tried to be prosecuted in my
24 country.

25 Q And you tried to avoid anything -- you tried to do

1 everything you could to avoid being in an American prison
2 which is where you are today.

3 A Yes, correct.

4 Q And even today, you are still doing everything you can to
5 avoid staying in an American prison; correct?

6 A Yes.

7 MR. MIEDEL: I have no further questions.

8 THE COURT: Any redirect?

9 MS. DIOUF: Yes, Your Honor.

10 May I have a minute, please?

11 THE COURT: Yes.

12 REDIRECT EXAMINATION

13 BY MS. DIOUF:

14 Q Mr. Nava Valencia, I want to talk to you about the
15 meeting you had with the Government on December 14, 2022, that
16 defense counsel asked you about.

17 A Yes.

18 Q Do you remember meeting with the Government on that date?

19 A Yes, yes, I remember.

20 Q How were you feeling at that meeting?

21 A No, well, I was feeling bad.

22 Q Why were you feeling bad?

23 A I was worrying way too much.

24 Q What were you worrying about?

25 A Well, my biggest worry, my biggest worry was my family.

1 My family in our country in Mexico.

2 Q Why did you retract your statements that day?

3 A Well, because you don't know what sort of repercussions
4 you're going to have because things were bad anyway and things
5 will get worse.

6 Q I think you mentioned that there was a bad situation, you
7 were afraid.

8 Can you tell us about that?

9 A Well, yes, a situation that, you know, things -- there
10 were more things happening to my son, yes.

11 Q Are you eager to testify here today, sir?

12 A Eager? No.

13 Q How do you feel about testifying today?

14 A Well, I didn't really want it to get to this point for me
15 to be here sitting here.

16 Q And why is that?

17 A Well, because this will place me again in the eye of the
18 storm. That's how I feel.

19 Q Is your testimony today the truth?

20 A Yes.

21 Q On cross-examination, defense counsel asked you about
22 meetings you had with the Government and how you didn't
23 mention the defendant, Genaro Garcia Luna.

24 Do you remember that?

25 A Well, those were meetings that happened way before and

1 when you begin, you're like closed up.

2 Q Prior to when you were asked in 2020 about the defendant,
3 Genaro Garcia Luna, were you specifically asked about him in
4 prior meetings?

5 A No, not like that, not directly, and we hadn't really
6 gone in depth in those topics.

7 Q Did you volunteer the defendant's name, Genaro Garcia
8 Luna?

9 A Did I volunteer? What do you mean?

10 Q Did you -- did you tell the Government agents you were
11 meeting with, did you tell them about Genaro Garcia Luna?

12 A Well, yes. Well, I didn't do that voluntarily. I --
13 they came to me, and they brought up that matter?

14 Q How did you learn about the defendant Genaro Garcia
15 Luna's arrest?

16 A After they came to ask me about him.

17 Q That's how you learned about his arrest?

18 A Yes. After we had talked about what I knew and then I
19 found out that he had been arrested.

20 Q And approximately when was that meeting?

21 A In 2020.

22 Q Who initiated that meeting in 2020?

23 A Well, there were prosecutors and agents who came from
24 New York.

25 Q By the way, in meetings with the Government, who chooses

1 the topics that are discussed?

2 A Well, they do. Sometimes we feel like we want to go in
3 depth in other things, but they are the ones that...

4 I guess I didn't explain myself correctly.

5 Q That's fine. I can move on.

6 A Yeah.

7 Q When you cooperated previously, how did you cooperate?

8 A Previously, like, since the beginning or how?

9 Q Prior to your resentencing in 2019, how had you
10 cooperated with the Government?

11 A Well, I mean, I had already accepted that I had a short
12 time left, and then there were people who were interested in
13 the topic who came and they were interested in the degree of
14 information that I had about the bribes that we had given in
15 Mexico.

16 THE INTERPRETER: The interpreter needs to clarify a
17 question.

18 A And then they came addressing topics of impunity and
19 corruption.

20 Q What year was this?

21 A Well, more specifically, it started in 2020.

22 THE COURT: Ms. Diouf, are you going to finish up,
23 or should we break?

24 MS. DIOUF: I have about five more minutes, I would
25 say, Your Honor.

1 THE COURT: Are you going to ask for recross?

2 MR. MIEDEL: Yes, Your Honor, briefly.

3 THE COURT: All right. Try it, go ahead.

4 MS. DIOUF: Thank you, Your Honor.

5 Q As part of your cooperation, have you ever signed
6 extradition affidavits?

7 A Yes.

8 Q Have any threats been made against you as a result of
9 your cooperation?

10 A Yes. Before, yes.

11 Q And can you tell us about that?

12 A Well, yes, a threat in my country and also attacks that
13 my family has suffered.

14 Q Defense counsel asked you about the document that the
15 defendant, Genaro Garcia Luna, gave you that contains
16 sensitive American law enforcement information.

17 Do you remember that?

18 A Yes, I do remember that.

19 Q Why didn't you keep that document?

20 A It was a document that also involved us and that that
21 situation had already been fixed. I didn't want to know
22 anything else about that situation.

23 Q What do you mean that document also involved you?

24 A Well, it involved us because we were connected to that
25 and we were part of that run.

1 Q So what about that fact made you not want to keep the
2 document?

3 A Well, in case there was an investigation that would be
4 started about everything that happened, and then they would
5 find all of those who were involved in that shipment.

6 Q You were paying the defendant, Genaro Garcia Luna, to
7 help you; is that right?

8 A Yes, correct.

9 Q Did he help you with the Manzanillo seizure and the
10 Colombians?

11 A Yes.

12 Q How did he help you?

13 A In a sense that we didn't have to pay more, we didn't
14 have to pay to the Colombians. That was a big help.

15 Q Sitting here today, do you have a grudge against the
16 defendant, Genaro Garcia Luna?

17 A No.

18 Q Do you hold him responsible for your arrest?

19 A No.

20 MS. DIOUF: Just a minute, please.

21 (Pause.)

22 MS. DIOUF: Nothing further.

23 Thank you.

24 MR. MIEDEL: Very briefly.

25

1 RECROSS-EXAMINATION

2 BY MR. MIEDEL:

3 Q Mr. Nava, do you remember at the beginning of when I
4 started asking you questions a few hours ago I asked you about
5 how famous Mr. Garcia Luna was in Mexico, right? Do you
6 remember that.

7 A Yes.

8 Q And I also asked you, because he was so famous, the fact
9 that he got arrested was a big news story; it was a big news
10 flash.

11 Do you remember that?

12 A Yes, you did say that.

13 Q And you said that you learned about it through the news;
14 right?

15 A Yes. I found out as the news was shown, yes.

16 THE COURT: Mr. Miedel, scope? Scope?

17 MR. MIEDEL: They suggest -- well, can I have a
18 sidebar?

19 THE COURT: No. Are you confident it's within the
20 scope based on redirect?

21 MR. MIEDEL: Yes.

22 THE COURT: Go ahead.

23 Q So you found out the news of his arrest as it was being
24 reported in the news; right?

25 A Yes, yes. I came to learn of that.

1 Q Yes. And that was 2019?

2 A Yes, when that happened to him and we found out, yes,
3 that was in 2019.

4 Q Okay. And one more thing.

5 The prosecutor asked you if -- who decides what the
6 topics are during a meeting, and you said: Well, it's the
7 people asking the questions.

8 Right?

9 A Yes.

10 Q And you understood that it was your job to answer
11 questions completely, fully, and honestly; right?

12 A Yes, correct.

13 Q And so when somebody asks you about corruption in the
14 Mexican government, it was your job to talk about what you
15 knew; right?

16 A Yes.

17 MR. MIEDEL: Thank you.

18 THE COURT: All right. Ladies and gentlemen, we'll
19 break for the day. Sorry we're one minute late.

20 Please remember no media coverage, no communication
21 about the case. Don't tell your spouse what's going on
22 because you think it's between you and your spouse. Just
23 don't think about it at all. Come back here tomorrow morning
24 at 9:30.

25 Thank you again for your hard work.

1 (Jury exits.)

2 THE COURT: Okay. Recess, 9:30 tomorrow morning.

3 (Witness exits the courtroom.)

4

5 (Matter adjourned to January 31, 2023 at 9:30 a.m.)

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I N D E XWITNESSPAGE**OSCAR NAVA VALENCIA**

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